

Calendar No. 553

104TH CONGRESS
2D Session

S. 1643

[Report No. 104-344]

A BILL

To amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 1997 through 2001, and for other purposes.

JULY 31, 1996

Reported with an amendment

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2D SESSION**S. 1643****[Report No. 104-344]**

To amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 1997 through 2001, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 26, 1966

Mr. GREGG (for himself, Mrs. KASSEBAUM, and Mr. COATS) introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

JULY 31, 1996

Reported by Mrs. KASSEBAUM, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 1997 through 2001, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Older Americans
5 Amendments of 1996”.

1 **SEC. 2. TABLE OF CONTENTS.**

2 The table of contents for this Act is as follows:

Sec. 1: Short title.

Sec. 2: Table of contents.

Sec. 3: Amendment to the Older American Community Service Employment
Act for fiscal year 1996.

Sec. 4: Amendment to the Older Americans Act of 1965.

Sec. 5: Conforming amendments.

Sec. 6: References to preceding fiscal year.

Sec. 7: Issuance of rules.

Sec. 8: Application of amendments.

Sec. 9: Transfer of functions.

Sec. 10: Effective dates.

3 **SEC. 3. AMENDMENT TO THE OLDER AMERICAN COMMU-**
4 **NITY SERVICE EMPLOYMENT ACT FOR FIS-**
5 **CAL YEAR 1996.**

6 (a) IN GENERAL.—The Older American Community
7 Service Employment Act (42 U.S.C. 3056–3056i) is
8 amended to read as follows:

9 **“TITLE V—SENIOR COMMUNITY**
10 **SERVICE EMPLOYMENT PRO-**
11 **GRAM**

12 **“SEC. 501. SHORT TITLE.**

13 “This title may be cited as the ‘Older American Com-
14 munity Service Employment Act’.

15 **“SEC. 502. ALLOTMENT OF FUNDS FOR FISCAL YEAR 1996.**

16 “(a) ALLOTMENT.—

17 “(1) RESERVATION OF FUNDS FOR TRIBAL OR-
18 GANIZATIONS.—Of the amount appropriated under
19 section 507 for fiscal year 1996, the Assistant Sec-
20 retary shall reserve not more than 1.3 percent for

1 making grants under this title to tribal organiza-
 2 tions.

3 ~~“(2) ALLOTMENT OF FUNDS.—~~

4 ~~“(A) ALLOTMENT.—After reserving funds~~
 5 ~~under paragraph (1), the Assistant Secretary~~
 6 ~~shall allot the remainder of the amount appro-~~
 7 ~~priated under section 507 for fiscal year 1996~~
 8 ~~among the States as follows:~~

9 ~~“(i) IN GENERAL.—The product of~~
 10 ~~the remainder for such fiscal year and the~~
 11 ~~base percentage rate for such fiscal year~~
 12 ~~shall be allotted among the States propor-~~
 13 ~~tionately based on their respective shares~~
 14 ~~of the funds appropriated for fiscal year~~
 15 ~~1995 and allotted for the States to carry~~
 16 ~~out title V (as in effect on the day before~~
 17 ~~the date of enactment of the Older Ameri-~~
 18 ~~cans Amendments of 1995).~~

19 ~~“(ii) BALANCE.—The balance of the~~
 20 ~~amount appropriated under section 507 for~~
 21 ~~fiscal year 1996 shall be allotted in accord-~~
 22 ~~ance with subparagraph (C).~~

23 ~~“(B) BASE PERCENTAGE RATES.—For~~
 24 ~~purposes of subparagraph (A)(i), the base per-~~

centage rate for fiscal year 1996 shall be 80 percent.

~~“(C) ALLOTMENTS BASED ON AGE AND PER CAPITA INCOME.—~~The balance referred to in subparagraph (A)(ii) shall be allotted as follows:

~~“(i) ALLOTMENT.—~~Subject to clause (ii), each State shall be allotted the amount that bears the same ratio to the balance as the product of the number of individuals 55 years of age or older in the State and the allotment percentage of the State bears to the sum of the corresponding products for all the States.

~~“(ii) REDUCTION.—~~The amounts allotted under clause (i) shall be reduced proportionately to the extent necessary to increase other allotments made under such clause to achieve the following:

~~“(I) STATES.—~~Each State shall be allotted not less than $\frac{1}{2}$ of 1 percent of the balance for the fiscal year for which the determination is made.

~~“(II) OTHER JURISDICTIONS.—~~
Guam, American Samoa, the Virgin

1 Islands of the United States, and the
 2 Commonwealth of the Northern Mari-
 3 ana Islands shall each be allotted not
 4 less than $\frac{1}{4}$ of 1 percent of the bal-
 5 ance for the fiscal year for which the
 6 determination is made or \$50,000,
 7 whichever is greater.

8 “(D) ALLOTMENT PERCENTAGE.—For
 9 purposes of subparagraph (C)(i)—

10 “(i) except as provided in clauses (ii)
 11 through (iv), the allotment percentage of
 12 each State shall be 100 percent less the
 13 percentage that bears the same ratio to 50
 14 percent as the per capita income of the
 15 State bears to the per capita income of all
 16 the States;

17 “(ii) the allotment percentage for each
 18 State shall be not more than 75 percent
 19 and not less than $33\frac{1}{3}$ percent;

20 “(iii) the allotment percentage for
 21 Guam, American Samoa, the Virgin Is-
 22 lands of the United States, and the Com-
 23 monwealth of the Northern Mariana Is-
 24 lands shall be 75 percent; and

1 “(iv) subject to clause (ii), the allot-
 2 ment percentage for a State whose allot-
 3 ment percentage is not adjusted under
 4 clause (ii) or (iii) shall be adjusted propor-
 5 tionately to the extent necessary to achieve
 6 the percentages required under such
 7 clauses.

8 “(E) LIMITATION.—For purposes of sub-
 9 paragraphs (C)(ii)(I) and (D)(i), the term
 10 ‘State’ does not include Guam, American
 11 Samoa, the Virgin Islands of the United States,
 12 or the Commonwealth of the Northern Mariana
 13 Islands.

14 “(F) POPULATION AND PER CAPITA IN-
 15 COME DETERMINATIONS.—For purposes of this
 16 paragraph, the number of individuals 55 years
 17 of age or older in each State, and the per capita
 18 income of each State, shall be determined by
 19 the Assistant Secretary on the basis of the most
 20 recent data available from the Bureau of the
 21 Census and other reliable demographic data
 22 satisfactory to the Assistant Secretary.

23 “(b) REALLOTMENT.—If any part of the amount al-
 24 lotted under this section to a State for a fiscal year is
 25 not distributed to the State for such fiscal year, such part

1 shall be reallocated under this section for such fiscal year
 2 to the remaining eligible States.

3 **“SEC. 503. SENIOR COMMUNITY SERVICE EMPLOYMENT**
 4 **PROGRAM.**

5 **“(a) AUTHORITY FOR PROGRAM.—**

6 **“(1) GRANTS.—**With funds allotted under sec-
 7 tion 502(a), the Assistant Secretary shall make
 8 grants to eligible States and tribal organizations for
 9 the purpose of providing, to unemployed low-income
 10 older individuals who have poor employment pros-
 11 pects (as determined in accordance with standards
 12 issued by the States and organizations), part-time
 13 employment opportunities providing community serv-
 14 ices.

15 **“(2) USE OF FUNDS.—**

16 **“(A) WAGES AND BENEFITS.—**

17 **“(i) IN GENERAL.—**Except as pro-
 18 vided in clause (ii) or subparagraph (C) or
 19 (D), not less than 90 percent of the funds
 20 made available through a grant made
 21 under paragraph (1) shall be used to pay
 22 wages and benefits for older individuals
 23 who are employed under projects carried
 24 out under this title.

1 “(ii) SMALL STATES.—Except as pro-
 2 vided in subparagraph (C) or (D), not less
 3 than 85 percent of the funds made avail-
 4 able through a grant made under para-
 5 graph (1) to a small State shall be used to
 6 pay wages and benefits for older individ-
 7 uals who are employed under projects ear-
 8 ried out under this title.

9 “(B) ADMINISTRATIVE COSTS.—

10 “(i) IN GENERAL.—Except as pro-
 11 vided in clause (ii), not more than 10 per-
 12 cent of the funds made available through a
 13 grant made under paragraph (1) may be
 14 used to pay for administrative costs.

15 “(ii) SMALL STATES.—Not more than
 16 15 percent of the funds made available
 17 through a grant made under paragraph (1)
 18 to a small State may be used to pay for
 19 administrative costs.

20 “(C) OTHER PARTICIPANT COSTS;
 21 PROJECTS CARRIED OUT DIRECTLY.—

22 “(i) IN GENERAL.—A State or tribal
 23 organization that receives a grant under
 24 paragraph (1) for a project and that elects
 25 to carry out the project directly, or

1 through an agreement under subsection (b)
 2 with a political subdivision, may request
 3 that the Assistant Secretary provide for a
 4 fiscal year—

5 “(I) a general waiver of subpara-
 6 graph (A); and

7 “(II) an additional waiver of sub-
 8 paragraph (A).xxx

9 “(ii) REQUEST.—

10 “(I) IN GENERAL.—The State or
 11 tribal organization shall submit such a
 12 request at such time, in such form,
 13 and containing such information as
 14 the Assistant Secretary may require
 15 by rule.

16 “(II) INFORMATION FOR ADDI-
 17 TIONAL WAIVER.—A State or tribal
 18 organization that requests such an ad-
 19 ditional waiver for a fiscal year shall
 20 submit with the request information
 21 demonstrating that at least 30 per-
 22 cent of the participants in the projects
 23 carried out through a grant made
 24 under paragraph (1) for the previous

1 year to the State or organization were
2 placed in unsubsidized employment.

3 “(iii) APPROVAL.—If the Assistant
4 Secretary determines that the State or
5 tribal organization has submitted a request
6 that meets the requirements of clause (ii);
7 the Assistant Secretary shall approve the
8 request.

9 “(iv) GENERAL WAIVER.—A general
10 waiver referred to in this subparagraph
11 shall permit the State or tribal organiza-
12 tion to use a portion, but not more than
13 20 percent, of the funds made available
14 through the grant for the fiscal year for
15 which the waiver is requested for adminis-
16 trative costs or other participant costs;
17 subject to clause (i) or (ii), as appropriate;
18 of subparagraph (B).

19 “(v) ADDITIONAL WAIVER.—

20 “(I) IN GENERAL.—An additional
21 waiver referred to in this subpara-
22 graph shall permit the State or tribal
23 organization to use a portion, but not
24 more than 5 percent, of the funds
25 made available through the grant for

1 the fiscal year for which the waiver is
 2 requested for other participant costs:

3 “(H) CALCULATION.—If a State
 4 or tribal organization receives a gen-
 5 eral waiver described in clause (iv)
 6 and an additional waiver described in
 7 this clause, the State or organization
 8 may use the portion described in
 9 clause (iv) and the portion described
 10 in this clause for the fiscal year for
 11 which the waivers are requested for
 12 administrative costs or other partici-
 13 pant costs, subject to clause (i) or (ii),
 14 as appropriate, of subparagraph (B).

15 “(D) OTHER PARTICIPANT COSTS;
 16 PROJECTS CARRIED OUT UNDER AGREE-
 17 MENTS.—

18 “(i) IN GENERAL.—An entity, other
 19 than a State, tribal organization, or politi-
 20 cal subdivision, that carries out a project
 21 under a grant made under paragraph (1)
 22 may request that the State or tribal orga-
 23 nization that received the grant provide for
 24 a fiscal year—

1 “(I) a general waiver of subpara-
2 graph (A); and

3 “(H) an additional waiver of sub-
4 paragraph (A).

5 “(ii) APPLICATION OF PROVISIONS.—

6 The provisions of clauses (ii) through (v)
7 of subparagraph (C) shall apply to such re-
8 quests and such general and additional
9 waivers, as appropriate, except that ref-
10 erences in such provisions—

11 “(I) to a State or tribal organiza-
12 tion shall be deemed to be references
13 to the entity referred to in clause (i);
14 and

15 “(H) to the Assistant Secretary
16 shall be deemed to be references to
17 the State or tribal organization that
18 received the grant referred to in
19 clause (i).

20 “(E) NON-FEDERAL SOURCES.—To the
21 maximum extent practicable, an entity that ear-
22 ries out a project under this title shall provide
23 for the payment of the costs described in sub-
24 paragraph (B), (C), or (D) from non-Federal
25 sources.

1 ~~“(b) ELIGIBILITY FOR GRANTS.—~~

2 ~~“(1) APPLICATION AND AGREEMENTS.—To be~~
 3 ~~eligible to receive a grant under subsection (a), a~~
 4 ~~State or tribal organization shall submit to the As-~~
 5 ~~sistant Secretary an application at such time, in~~
 6 ~~such form, and containing such information as the~~
 7 ~~Assistant Secretary may require by rule, including~~
 8 ~~an assurance that funds made available through~~
 9 ~~such grant—~~

10 ~~“(A) will be used by the State or tribal or-~~
 11 ~~ganization to carry out projects for the purpose~~
 12 ~~specified in subsection (a)(1)—~~

13 ~~“(i) directly (in accordance with the~~
 14 ~~requirements of subsection (d)); or~~

15 ~~“(ii) through agreements that satisfy~~
 16 ~~the requirements of this subsection and~~
 17 ~~subsection (d); and~~

18 ~~“(B) will not be used to carry out a project~~
 19 ~~involving the construction, operation, or mainte-~~
 20 ~~nance of any facility used or to be used as a~~
 21 ~~place for sectarian religious instruction or wor-~~
 22 ~~ship.~~

23 ~~“(2) PARTICIPANTS IN AGREEMENT.—Such~~
 24 ~~agreements shall be entered into by the State or~~
 25 ~~tribal organization with—~~

1 “(A) public or nonprofit private agencies
2 or organizations;

3 “(B) political subdivisions of States having
4 elected or duly appointed governing officials (or
5 combinations of such political subdivisions);

6 “(C) tribal organizations; and

7 “(D) area agencies on aging.

8 “(3) AGREEMENT WITH BUSINESSES.—At the
9 election of a State or tribal organization that re-
10 ceives a grant made under subsection (a), not more
11 than 5 percent of the funds made available through
12 the grant may be used to enter into agreements with
13 businesses (giving special consideration to businesses
14 in growth industries) to pay for not more than 50
15 percent of the cost of providing employment (includ-
16 ing arranging for the provision of employment) to
17 older individuals described in subsection (a).

18 “(c) COMPETITIVE BASIS.—In selecting an entity
19 with whom a State or tribal organization will enter into
20 an agreement under subsection (b), the State or organiza-
21 tion—

22 “(1) shall make the selection on a competitive
23 basis; and

24 “(2) shall take into consideration, where appro-
25 priate, the demonstrated ability of the entity to pro-

1 vide employment (including arranging for the provi-
2 sion of employment) to older individuals described in
3 subsection (a).

4 “(d) REQUIREMENTS.—

5 “(1) IN GENERAL.—Each agreement entered
6 into under subsection (b) for a project shall provide
7 that no payment shall be made by the State or tribal
8 organization toward the cost of such project unless
9 the State or tribal organization determines that such
10 project, or the entity that carries out such project,
11 as appropriate, will satisfy each of the conditions de-
12 scribed in paragraphs (2) through (13). Each State
13 or tribal organization that carries out a project di-
14 rectly under subsection (b) shall ensure that such
15 project or the State or organization, as appropriate,
16 will satisfy each of the conditions described in para-
17 graphs (2) through (13).

18 “(2) FEDERAL SHARE REQUIREMENT.—

19 “(A) IN GENERAL.—The entity that ear-
20 ries out the project shall use funds received for
21 such project that are made available through a
22 grant made under subsection (a) to pay for the
23 Federal share of the cost of the project.

1 “(B) FEDERAL SHARE.—The Federal
2 share of the cost of the project shall be not
3 more than 85 percent.

4 “(C) NON-FEDERAL SHARE.—The non-
5 Federal share of such cost shall be contributed
6 in cash or in kind. In determining the amount
7 of the non-Federal share, the Assistant Sec-
8 retary may attribute fair market value to serv-
9 ices and facilities contributed from non-Federal
10 sources.

11 “(3) PERSONNEL.—The project shall provide
12 employment only for older individuals described in
13 subsection (a), except for necessary technical, ad-
14 ministrative, and supervisory personnel. Such per-
15 sonnel shall, to the fullest extent possible, be re-
16 cruited from among older individuals described in
17 subsection (a).

18 “(4) COMMUNITIES.—

19 “(A) IN GENERAL.—If such project is ear-
20 ried out by or under an agreement with a State,
21 the project shall provide employment for such
22 individuals in the community in which such in-
23 dividuals reside, or in nearby communities.

24 “(B) RESERVATIONS.—If such project is
25 carried out by or under an agreement with a

1 tribal organization; the project shall provide
 2 employment for such individuals who are Indi-
 3 ans residing on an Indian reservation.

4 ~~“(5) SERVICES.—~~The project (except a project
 5 carried out under an agreement described in sub-
 6 section ~~(b)(3))~~ shall employ older individuals de-
 7 scribed in subsection (a) in positions in which the in-
 8 dividuals provide services—

9 ~~“(A) related to publicly owned and oper-~~
 10 ated facilities or public projects; or

11 ~~“(B) related to projects sponsored by orga-~~
 12 nizations described in section 501(c)(3) of the
 13 Internal Revenue Code of 1986 that are exempt
 14 from taxation under section 501(a) of such
 15 Code.

16 ~~“(6) GENERAL WELFARE.—~~The project shall
 17 contribute to the general welfare of the community
 18 in which the project is carried out.

19 ~~“(7) EMPLOYMENT IMPACTS.—~~The project
 20 shall—

21 ~~“(A) result in an increase in employment~~
 22 opportunities over the opportunities that would
 23 otherwise be available;

24 ~~“(B) not result in the displacement (in-~~
 25 cluding partial displacement, such as a reduc-

tion in the hours of nonovertime work or wages or employment benefits) of currently employed workers (as of the date of the beginning of the project); and

“(C) not impair existing contracts (as of the date of the beginning of the project) or result in the substitution of Federal funds for other funds in connection with work that would otherwise be performed.

“(8) RECRUITMENT AND SELECTION.—In carrying out the project, the entity shall utilize methods of recruitment and selection (including listing job vacancies with an employment agency operated by any State or political subdivision of a State) that will ensure that the maximum number of older individuals described in subsection (a) will have an opportunity to participate in the project.

“(9) TRAINING.—The project shall include such training as may be necessary to make the most effective use of the skills and talents of such individuals who are participating in the project and assist in their transition into employment for which no financial assistance is provided under this title.

“(10) ADVICE.—The entity shall establish or administer the project after receiving the advice of—

1 “(A) individuals competent in the field of
2 service in which the project will provide employ-
3 ment; and

4 “(B) individuals who are knowledgeable
5 with regard to the needs of older individuals.

6 “(11) ASSESSMENT.—The entity shall prepare
7 an assessment of—

8 “(A) the skills and talents of each partici-
9 pating older individual;

10 “(B) the need of the older individual for
11 supportive services; and

12 “(C) the ability of the older individual to
13 perform community service employment;
14 except to the extent that the project has an assess-
15 ment of such skills and talents, such need, or such
16 ability, of the individual that was prepared recently
17 pursuant to another Federal or State employment or
18 job training program.

19 “(12) NOTICE AND EXPLANATION.—The entity
20 that carries out such project shall post in the project
21 workplace a notice, and shall make available to each
22 individual associated with such project a written ex-
23 planation, clarifying the law with respect to allow-
24 able and unallowable political activities under chap-
25 ter 15 of title 5, United States Code, applicable to

1 the project and to each category of individuals asso-
 2 ciated with such project.

3 ~~“(13) PRIORITY IN EMPLOYMENT OPPORTUNI-~~
 4 ~~TIES.—In providing employment opportunities (in-~~
 5 ~~cluding arranging for the provision of employment~~
 6 ~~opportunities) under the project, such entity shall~~
 7 ~~give priority to low-income older individuals de-~~
 8 ~~scribed in subsection (a) who are 60 years of age or~~
 9 ~~older.~~

10 ~~“(e) PREREQUISITE DETERMINATIONS AND COORDI-~~
 11 ~~NATION.—~~

12 ~~“(1) DETERMINATIONS.—To effectively carry~~
 13 ~~out subsection (b), a State or tribal organization~~
 14 ~~that receives a grant under subsection (a) for a fis-~~
 15 ~~cal year shall, after consultation with the appro-~~
 16 ~~priate area agencies on aging and with other organi-~~
 17 ~~zations that received funds under this title in the~~
 18 ~~preceding fiscal year—~~

19 ~~“(A) make a determination identifying the~~
 20 ~~localities in the State, or on an Indian reserva-~~
 21 ~~tion in the case of a tribal organization, in~~
 22 ~~which projects described in subsection (b) are~~
 23 ~~most needed;~~

24 ~~“(B) in making such determination, con-~~
 25 ~~sider the local employment situations and the~~

types of skills possessed by available local older individuals described in subsection (a); and

~~“(C) make a determination identifying potential projects for, and the number and percentage of such individuals in the local population of, each such locality.~~

~~“(2) COORDINATION.—To increase job opportunities available to older individuals, the State or tribal organization shall coordinate the projects assisted under this title with—~~

~~“(A) other programs, projects, and activities carried out under this Act; and~~

~~“(B) other Federal or State employment or job training programs.~~

~~“(3) PARTICIPANTS.—To the maximum extent practicable, the State or tribal organization shall ensure that entities that carry out projects under this title provide employment (including arranging for the provision of employment) under this title to older individuals who on the day before the effective date of section 3 of the Older Americans Amendments of 1995 were participants under an agreement entered into under section 502(b) (as in effect on the day before such date).~~

1 “(f) **EQUITABLE USE OF FUNDS.**—To the maximum
 2 extent practicable, the State or tribal organization shall
 3 use funds available for this title to enter into agreements
 4 under subsection (b) or carry out this title in an equitable
 5 manner, taking into consideration the number of eligible
 6 older individuals in the various geographical areas served
 7 under the agreements or by the State or organization and
 8 the relative distribution of such individuals among urban
 9 and rural areas.

10 “(g) **PRIOR SUBMISSION OF PROJECT DESCRIPTION.**—If an entity carries out a project under this title
 11 in a planning and service area, and the entity is not the
 12 area agency on aging for the planning and service area,
 13 the entity shall carry out the project in consultation with
 14 the area agency on aging and shall submit to the area
 15 agency on aging, not less than 30 days before undertaking
 16 the project, a description (including the location) of such
 17 project.

19 “(h) **ALTERNATIVE WORK MODES; TECHNICAL AS-**
 20 **SISTANCE.**—To assist entities carrying out, and partici-
 21 pants in, projects assisted under this title, the State or
 22 tribal organization may develop alternatives for innovative
 23 work modes and provide technical assistance in creating
 24 job opportunities through work sharing and other experi-
 25 mental methods to groups representing business and in-

1 dustry and workers, as well as to individual employers;
 2 where appropriate.

3 “(i) ~~REPORT.~~—If a State or tribal organization elects
 4 under subsection (b) to enter into agreements described
 5 in paragraph (3) of such subsection for a fiscal year, the
 6 State or tribal organization shall submit to the Assistant
 7 Secretary a report describing the projects carried out
 8 under such agreements.

9 “(j) ~~DATA COLLECTION AND ANALYSIS.~~—A State or
 10 tribal organization that receives a grant under subsection
 11 (a) shall use a portion of the remaining funds described
 12 in subsection (a)(2)(B) to collect data and carry out analy-
 13 ses related to the need for community service employment
 14 within the population served under the grant and dissemi-
 15 nate information obtained through the data collection and
 16 analyses.

17 “(k) ~~RULES.~~—The Secretary shall issue, and amend
 18 from time to time, rules that require States and tribal or-
 19 ganizations that receive grants under subsection (a) to es-
 20 tablish, to the maximum extent practicable, for projects
 21 carried out under this title the goal of annually placing
 22 not less than 20 percent of project participants in employ-
 23 ment for which no financial assistance is provided under
 24 this title.

1 **~~“SEC. 504. PARTICIPANTS NOT FEDERAL EMPLOYEES.~~**

2 ~~“(a) PROJECT PARTICIPANTS.—Older individuals de-~~
 3 ~~scribed in section 503(a) who participate in a project as-~~
 4 ~~sisted under this title shall not be considered to be Federal~~
 5 ~~employees as a result of such participation and shall not~~
 6 ~~be subject to the provisions of part III of title 5, United~~
 7 ~~States Code.~~

8 ~~“(b) WORKMEN’S COMPENSATION.—No State or~~
 9 ~~tribal organization shall enter into an agreement under~~
 10 ~~section 503(b) with, or carry out such a project through,~~
 11 ~~an entity who is, or whose employees are, under State law,~~
 12 ~~exempted from operation of the State workmen’s com-~~
 13 ~~pensation law, generally applicable to employees, unless~~
 14 ~~the entity shall undertake to provide either through insur-~~
 15 ~~ance by a recognized carrier, or by self-insurance, as au-~~
 16 ~~thorized by State law, that the individuals employed under~~
 17 ~~the contract shall enjoy workmen’s compensation coverage~~
 18 ~~equal to such coverage provided by law for covered employ-~~
 19 ~~ment.~~

20 **~~“SEC. 505. EMPLOYMENT ASSISTANCE AND FEDERAL HOUS-~~**
 21 **~~ING AND FOOD STAMP PROGRAMS.~~**

22 ~~“Funds received by eligible individuals from projects~~
 23 ~~carried out under this title shall not be considered to be~~
 24 ~~income of such individuals for purposes of determining the~~
 25 ~~eligibility of such individuals, or of any other persons, to~~
 26 ~~participate in any housing program for which Federal~~

1 funds may be available or for any income determination
 2 under the Food Stamp Act of 1977 (7 U.S.C. 2011 et
 3 seq.).

4 **~~“SEC. 506. DEFINITIONS.~~**

5 ~~“As used in this title:~~

6 ~~“(1) ADMINISTRATIVE COSTS.—The term ‘ad-~~
 7 ~~ministrative costs’, used with respect to a project,~~
 8 ~~means—~~

9 ~~“(A) the costs of—~~

10 ~~“(i) salaries, wages, and fringe bene-~~
 11 ~~fits for project administrators;~~

12 ~~“(ii) consumable office supplies used~~
 13 ~~by project staff;~~

14 ~~“(iii) development, preparation, pres-~~
 15 ~~entation, management, and evaluation of~~
 16 ~~the project;~~

17 ~~“(iv) establishment and maintenance~~
 18 ~~of accounting and management informa-~~
 19 ~~tion systems;~~

20 ~~“(v) establishment and maintenance~~
 21 ~~of advisory councils;~~

22 ~~“(vi) travel of the project administra-~~
 23 ~~tors;~~

1 “(vii) rent, utilities, custodial services,
2 and indirect costs attributable to the
3 project;

4 “(viii) training of staff and technical
5 assistance to subproject sponsor staff;

6 “(ix) equipment and material for use
7 by project staff; or

8 “(x) audit services; and

9 “(B) the costs and expenses described in
10 paragraph (5)(B).

11 “(2) COMMUNITY SERVICES.—The term ‘com-
12 munity services’ means—

13 “(A) social, health, welfare, and edu-
14 cational services (particularly literacy tutoring);

15 “(B) legal and other counseling services
16 and assistance, including tax counseling and as-
17 sistance and financial counseling;

18 “(C) library, recreational, and other simi-
19 lar services;

20 “(D) conservation, maintenance, or res-
21 toration of natural resources;

22 “(E) community betterment or beautifi-
23 cation;

24 “(F) antipollution and environmental qual-
25 ity efforts;

1 “(G) weatherization activities;

2 “(H) economic development; and

3 “(I) such other services essential and nec-
4 essary to the community involved as the Sec-
5 retary, by regulation, may require.

6 “(3) ~~LOW-INCOME.~~—The term ‘low-income’,
7 used with respect to an individual, means an individ-
8 ual who is a member of a family that has an income
9 that is not more than 125 percent of the poverty
10 line.

11 “(4) ~~OLDER INDIVIDUAL~~—The term ‘older indi-
12 vidual’ means an individual who is 55 years of age
13 or older.

14 “(5) ~~OTHER PARTICIPANT COSTS.~~—

15 “(A) ~~IN GENERAL.~~—The term ‘other par-
16 ticipant costs’ includes—

17 “(i) the costs for participants of—

18 “(I) transportation;

19 “(II) training, including training
20 described in section 503(d)(9); and

21 “(III) special job or personal
22 counseling; and

23 “(ii) incidental expenses necessary for
24 the participation of the participants, such

as workshoes, safety eyeglasses, uniforms,
tools, and similar items.

~~“(B) EXCLUSION.—The term shall not in-~~
~~clude—~~

~~“(i) the costs of performing assess-~~
~~ments, including the assessment described~~
~~in section 503(d)(11);~~

~~“(ii) administrative expenses relating~~
~~to the training of participants;~~

~~“(iii) the costs of providing counseling~~
~~to participants;~~

~~“(iv) the costs of providing supportive~~
~~services to participants;~~

~~“(v) transportation costs incurred in~~
~~training;~~

~~“(vi) the costs of evaluating partici-~~
~~pants for continued participation in em-~~
~~ployment in a project described in this~~
~~title; or~~

~~“(vii) the costs of developing host~~
~~agency assignments and unsubsidized em-~~
~~ployment for participants.~~

~~“(6) PLACED IN UNSUBSIDIZED EMPLOY-~~
~~MENT.—~~

1 “(A) IN GENERAL.—The term ‘placed in
2 unsubsidized employment’ means, with respect
3 to an individual who was a participant in a
4 project described in this title, that—

5 “(i)(I) the individual was placed in a
6 position with an employer not later than
7 90 days after the individual terminated
8 participation in the project, and the posi-
9 tion was not subsidized with Federal
10 funds; and

11 “(II) the placement was attributable to
12 participation in the project;

13 “(ii) the employer intended, on the
14 date of the placement, to employ the indi-
15 vidual in the position for not less than 90
16 days;

17 “(iii) the individual was still employed
18 in the position 30 days after the place-
19 ment; and

20 “(iv) the individual was better off eco-
21 nomically when employed in the position
22 than the individual was when participating
23 in the project.

24 “(B) BETTER OFF ECONOMICALLY.—As
25 used in this paragraph, the term ‘better off eco-

1 nominally', used with respect to an individual;
 2 means an individual who was a participant in a
 3 project described in this title and was placed in
 4 a position of employment if—

5 “(i) the individual received greater in-
 6 come for employment in the position than
 7 for participation in the project;

8 “(ii) the individual received greater
 9 benefits (as defined by the State in which
 10 the project is located) for employment in
 11 the position than for participation in the
 12 project; or

13 “(iii) the position met 2 or more of
 14 the following criteria:

15 “(I) The position provided to the
 16 individual 20 or more hours of em-
 17 ployment per week and a wage that is
 18 not less than the minimum wage de-
 19 termined in accordance with section
 20 6(a)(1) of the Fair Labor Standards
 21 Act of 1938 (29 U.S.C. 206(a)(1)).

22 “(II) The position was consistent
 23 with the individual development plan
 24 for the individual.

1 ~~“(III) The position provided free~~
 2 ~~housing to the individual.~~

3 ~~“(IV) The position provided free~~
 4 ~~food or meals to the individual.~~

5 ~~“(V) The position provided~~
 6 ~~health benefits to the individual.~~

7 ~~“(VI) The position provided free~~
 8 ~~transportation, or transportation at a~~
 9 ~~reduced cost, to the individual.~~

10 ~~“(VII) The position provided to~~
 11 ~~the individual such economic benefits,~~
 12 ~~other than the benefits described in~~
 13 ~~subclauses (I) through (VI), as the~~
 14 ~~State in which the project is located~~
 15 ~~may determine to be appropriate.~~

16 ~~“(7) SMALL STATE.—The term ‘small State’~~
 17 ~~means—~~

18 ~~“(A) a State whose allotment under section~~
 19 ~~502 is increased as a result of the condition~~
 20 ~~specified in section 502(a)(2)(C)(ii)(I); and~~

21 ~~“(B) a State referred to in section~~
 22 ~~502(a)(2)(C)(ii)(II).~~

23 ~~“(8) STATE.—The term ‘State’ means any of~~
 24 ~~the several States, the District of Columbia, the~~
 25 ~~Commonwealth of Puerto Rico, Guam, American~~

1 Samoa, the Virgin Islands of the United States, and
 2 the Commonwealth of the Northern Mariana Is-
 3 lands.

4 “(9) TRIBAL ORGANIZATION.—Notwithstanding
 5 section 102, the term ‘tribal organization’ means—

6 “(A) the recognized governing body of an
 7 Indian tribe;

8 “(B) the legally established organization of
 9 Indians that is controlled, sanctioned, or char-
 10 tered by the recognized governing body of an
 11 Indian tribe;

12 “(C) a legally established organization of
 13 Indians that is democratically elected by the
 14 adult members of the Indian community to be
 15 served by such organization and that includes
 16 the maximum participation of Indians in all
 17 phases of the activities of the organization; and

18 “(D) a public or nonprofit private organi-
 19 zation that is primarily controlled by and com-
 20 prised of Indians or Indian tribes.

21 **“SEC. 507. AUTHORIZATION OF APPROPRIATIONS.**

22 “(a) IN GENERAL.—There are authorized to be ap-
 23 propriated to carry out this title such sums as may be
 24 necessary for fiscal year 1996.

25 “(b) PROGRAM YEAR AND EXTENSIONS.—

1 ~~“(1) PROGRAM YEAR.—~~Amounts appropriated
 2 under subsection (a) for a fiscal year shall be used
 3 during the annual period that—

4 ~~“(A) begins on July 1 of the calendar year~~
 5 immediately following the beginning of such fis-
 6 cal year; and

7 ~~“(B) ends on June 30 of the following cal-~~
 8 endar year.

9 ~~“(2) EXTENSIONS.—~~The Secretary may extend
 10 the period during which such amounts may be obli-
 11 gated or expended in the case of a particular organi-
 12 zation or agency receiving funds under this title if
 13 the Secretary determines that such extension is nec-
 14 essary to ensure the effective use of such funds by
 15 such organization or agency. Any such extension
 16 shall be for a period of not more than 60 days after
 17 the end of such annual period.”.

18 ~~(b) TECHNICAL AND CONFORMING AMENDMENTS.—~~

19 ~~(1) Section 102(1) (42 U.S.C. 3002(1)) is~~
 20 amended by striking all that follows “Services” and
 21 inserting a period.

22 ~~(2) The second sentence of section 201(a) (42~~
 23 U.S.C. 3011(a)) is amended by striking “Except for
 24 title V, the” and inserting “The”.

1 ~~(3) Section 203(a)(3)(A) (42 U.S.C.~~
 2 ~~3013(a)(3)(A))~~ is amended by inserting “(as in ef-
 3 fect on the day before the date of enactment of the
 4 Older Americans Amendments of 1995)” after
 5 ~~“507”.~~

6 **SEC. 4. AMENDMENT TO THE OLDER AMERICANS ACT OF**
 7 **1965.**

8 The Older Americans Act of 1965 (42 U.S.C. 3001
 9 et seq.) is amended to read as follows:

10 **“SECTION 1. SHORT TITLE.**

11 “‘This Act may be cited as the ‘Older Americans Act
 12 of 1965’.

13 **“SEC. 2. TABLE OF CONTENTS.**

14 “‘The table of contents for this Act is as follows:

 “Sec. 1. Short title.

 “Sec. 2. Table of contents.

 “TITLE I—GENERAL PROVISIONS

 “Subtitle A—Core Objectives and Definitions

 “Sec. 101. Core objectives.

 “Sec. 102. Definitions.

 “Subtitle B—Administration

 “Sec. 111. Establishment of Administration on Aging.

 “Sec. 112. Functions of the Assistant Secretary.

 “Sec. 113. Reports.

 “Sec. 114. Reduction of paperwork.

 “Sec. 115. Surplus property eligibility.

 “Sec. 116. Treatment of costs.

 “Sec. 117. Disaster relief.

 “Sec. 118. Authorization of appropriations.

 “Subtitle C—Funding

 “Sec. 121. Allotments; Federal share.

 “Sec. 122. Authorization of appropriations.

 “Sec. 123. Additional funds available for nutrition services.

“TITLE II—STATE PROGRAMS ON AGING

“Subtitle A—General Provisions

- “Sec. 201. Eligibility of States.
- “Sec. 202. State plans.
- “Sec. 203. Planning, coordination, evaluation, and administration of State plans.
- “Sec. 204. Payments.

“Subtitle B—State Long-Term Care Ombudsman Program

- “Sec. 211. Establishment.
- “Sec. 212. Requirements for State long-term care ombudsman program.

“Subtitle C—Senior Community Service Employment Program

- “Sec. 221. Short title.
- “Sec. 222. Definitions.
- “Sec. 223. Senior community service employment program.
- “Sec. 224. Participants not Federal employees.
- “Sec. 225. Employment assistance and Federal housing and food stamp programs.

“Subtitle D—Disease Prevention and Health Promotion

- “Sec. 231. Establishment of grant program.
- “Sec. 232. Distribution to area agencies on aging.

“TITLE III—LOCAL PROGRAMS ON AGING

“Subtitle A—General Provisions

- “Sec. 301. Eligibility of local organizations.
- “Sec. 302. Area plans.

“Subtitle B—Supportive Services and Senior Centers

- “Sec. 311. Program authorized.

“Subtitle C—Nutrition Services

- “Sec. 321. Program authorized.
- “Sec. 322. Additional requirements.

“TITLE IV—NATIVE AMERICAN PROGRAMS ON AGING

- “Sec. 401. Grants for services to Native Americans.
- “Sec. 402. Applications for grants.
- “Sec. 403. Distribution of funds among eligible organizations.
- “Sec. 404. Surplus educational facilities.
- “Sec. 405. Administration.
- “Sec. 406. Payments.
- “Sec. 407. Authorization of appropriations.

1 **“TITLE I—GENERAL PROVISIONS**

2 **“Subtitle A—Core Objectives and**
 3 **Definitions**

4 **“SEC. 101. CORE OBJECTIVES.**

5 “It is the purpose of this Act to fulfill the responsibil-
 6 ity of the United States to assist older individuals to re-
 7 main living independently and with dignity for as long as
 8 possible in their communities; and to encourage and assist
 9 State agencies, area agencies on aging, and Indian tribes
 10 in concentrating resources and collaborating with the pri-
 11 vate sector in order to—

12 “(1) develop greater capacity, and foster the de-
 13 velopment and implementation of comprehensive and
 14 coordinated systems to serve older individuals, by
 15 entering into cooperative arrangements in each State
 16 for the planning and provision of supportive services
 17 (including services to support multipurpose senior
 18 centers), nutrition services, and employment and vol-
 19 unteer services; and

20 “(2) achieve core objectives consisting of—

21 “(A) securing and maintaining maximum
 22 independence and dignity in a home environ-
 23 ment for older individuals capable of self-care
 24 with appropriate supportive services and nutri-
 25 tion services;

1 “(B) removing individual and social bar-
 2 riers to personal independence for older individ-
 3 uals;

4 “(C) promoting a continuum of care for
 5 vulnerable older individuals;

6 “(D) fostering ways for older individuals to
 7 receive managed in-home and community-based
 8 long-term care services;

9 “(E) ensuring that older individuals will be
 10 protected against abuse, neglect, and exploi-
 11 tation; and

12 “(F) promoting employment opportunities
 13 and community services for older individuals.

14 **“SEC. 102. DEFINITIONS.**

15 “**As used in this Act:**

16 “(1) **ABUSE.**—The term ‘abuse’ means (except
 17 when the term is used as part of the term ‘drug and
 18 alcohol abuse’) the willful—

19 “(A) infliction of injury, unreasonable con-
 20 finement, intimidation, or cruel punishment
 21 with resulting physical harm, pain, or mental
 22 anguish; or

23 “(B) deprivation by a person, including a
 24 caregiver, of goods or services that are nec-

1 essary to avoid physical harm, mental anguish,
2 or mental illness.

3 “(2) ADMINISTRATION.—The term ‘Administra-
4 tion’ means the Administration on Aging.

5 “(3) ADULT CHILD WITH A DISABILITY; ADULT
6 CHILDREN WITH DISABILITIES.—

7 “(A) ADULT CHILD WITH A DISABILITY.—
8 The term ‘adult child with a disability’ means
9 a child who—

10 “(i) is 18 years of age or older;

11 “(ii) is financially dependent on an
12 older individual who is a parent of the
13 child; and

14 “(iii) has a disability.

15 “(B) ADULT CHILDREN WITH DISABIL-
16 ITIES.—The term ‘adult children with disabil-
17 ities’ means more than 1 adult child with a dis-
18 ability.

19 “(4) ALASKA NATIVE.—The term ‘Alaska Na-
20 tive’ means an individual who is a member of an
21 Alaska Native organization.

22 “(5) ALASKA NATIVE ORGANIZATION.—The
23 term ‘Alaska Native organization’ means a Native
24 village, regional corporation, or village corporation,
25 as defined in or established pursuant to the Alaska

1 Native Claims Settlement Act (43 U.S.C. 1601 et
 2 seq.); that is recognized as eligible for the special
 3 programs and services provided by the United States
 4 to Alaska Natives because of their status as Alaska
 5 Natives.

6 “(6) AREA AGENCY ON AGING.—The term ‘area
 7 agency on aging’ means an area agency on aging
 8 designated under section 201(a)(2)(A), a State
 9 agency performing the functions of an area agency
 10 on aging as the result of a designation of the entire
 11 State as a single planning and service area, or a
 12 State agency that is administering a program under
 13 section 302(c)(3) (for purposes of provisions relating
 14 to such program).

15 “(7) ASSISTANT SECRETARY.—The term ‘As-
 16 sistant Secretary’ means the Assistant Secretary for
 17 Aging.

18 “(8) ASSISTIVE TECHNOLOGY.—The term
 19 ‘assistive technology’ means technology, an engineer-
 20 ing methodology, or a scientific principle, appro-
 21 priate to meet the needs of, and address the barriers
 22 confronted by, older individuals with functional limi-
 23 tations.

24 “(9) BOARD AND CARE FACILITY.—The term
 25 ‘board and care facility’ means an institution regu-

lated by a State pursuant to section 1616(e) of the
Social Security Act (42 U.S.C. 1382e(e)).

~~“(10) CAREGIVER.—The term ‘caregiver’ means~~
~~an individual who has the responsibility for the care~~
~~of an older individual, either voluntarily, by contract,~~
~~by receipt of payment for care, or as a result of the~~
~~operation of law.~~

~~“(11) CARETAKER.—The term ‘caretaker’~~
~~means a family member or other individual who pro-~~
~~vides (on behalf of such individual or of a public or~~
~~nonprofit private agency, organization, or institu-~~
~~tion) uncompensated care to an older individual who~~
~~needs supportive services.~~

~~“(12) CASE MANAGEMENT SERVICE.—The term~~
~~‘case management service’—~~

~~“(A) means assessment, development, and~~
~~implementation, carried out in cooperation with~~
~~an older individual (or the caregiver or care-~~
~~taker of the individual, where appropriate), of a~~
~~care plan—~~

~~“(i) by an individual who is trained or~~
~~experienced in the case management skills~~
~~that are required to deliver the services~~
~~and coordination described in subpara-~~
~~graph (B); and~~

“(ii) to assess the needs, and to arrange, coordinate, and monitor an optimum package of services to meet the needs, of the older individual; and

“(B) includes services and coordination such as—

“(i) comprehensive assessment of the older individual (including the physical, psychological, environmental, economic, and social needs of the individual);

“(ii) development and implementation of a service plan with the older individual to mobilize the formal and informal resources and services identified in the assessment, including assistive technology, to meet the needs of the older individual, including coordination of the resources and services—

“(I) with the services identified in any other plans that exist for various formal services, such as hospital discharge plans; and

“(II) with the information and assistance services provided under this Act;

1 “(iii) coordination and monitoring of
 2 formal and informal service delivery, in-
 3 cluding coordination and monitoring to en-
 4 sure that services specified in the plan, in-
 5 cluding assistive technology, are being pro-
 6 vided;

7 “(iv) periodic reassessment and revi-
 8 sion of the status of the older individual
 9 with—

10 “(I) the older individual; or

11 “(II) if appropriate, a caregiver
 12 or caretaker of the older individual;
 13 and

14 “(v) in accordance with the wishes of
 15 the older individual, advocacy on behalf of
 16 the older individual for needed services or
 17 resources.

18 “(13) CHILD.—The term ‘child’ means (except
 19 when the term appears as part of the term ‘adult
 20 child with a disability’) an individual who is less
 21 than 18 years of age.

22 “(14) COMMUNITY SERVICES.—The term ‘com-
 23 munity services’ means—

24 “(A) social, health, welfare, and edu-
 25 cational services (particularly literacy tutoring);

1 ~~“(B) legal and other counseling services~~
 2 ~~and assistance, including tax counseling and as-~~
 3 ~~sistance and financial counseling;~~

4 ~~“(C) library, recreational, and other simi-~~
 5 ~~lar services;~~

6 ~~“(D) conservation, maintenance, or res-~~
 7 ~~toration of natural resources;~~

8 ~~“(E) community betterment or beautifi-~~
 9 ~~cation;~~

10 ~~“(F) antipollution and environmental qual-~~
 11 ~~ity efforts;~~

12 ~~“(G) weatherization activities;~~

13 ~~“(H) economic development; and~~

14 ~~“(I) such other services essential and nec-~~
 15 ~~essary to the community as the Secretary, by~~
 16 ~~regulation, may require.~~

17 ~~“(15) COMPREHENSIVE AND COORDINATED~~
 18 ~~SYSTEM.—The term ‘comprehensive and coordinated~~
 19 ~~system’ means a system for providing all necessary~~
 20 ~~supportive services, including nutrition services, in a~~
 21 ~~manner designed to—~~

22 ~~“(A) facilitate accessibility to, and utiliza-~~
 23 ~~tion of, all supportive services and nutrition~~
 24 ~~services provided within the geographic area~~
 25 ~~served by such system by any public or non-~~

1 profit private agency, organization, or institu-
 2 tion;

3 “(B) develop and make the most efficient
 4 use of supportive services and nutrition services
 5 in meeting the needs of older individuals;

6 “(C) use available resources efficiently and
 7 with a minimum of duplication; and

8 “(D) encourage and assist public and pri-
 9 vate entities that have unrealized potential for
 10 meeting the service needs of older individuals to
 11 assist the older individuals on a voluntary basis.

12 “(16) DISABILITY.—The term ‘disability’
 13 means (except when the term is used as part of the
 14 term ‘severe disability’, ‘developmental disabilities’,
 15 ‘physical and mental disabilities’, or ‘physical dis-
 16 abilities’) a condition attributable to a mental or
 17 physical impairment, or a combination of mental and
 18 physical impairments, that results in substantial
 19 functional limitations in 1 or more of the following
 20 major life activities:

21 “(A) Self-care.

22 “(B) Use of receptive and expressive lan-
 23 guage.

24 “(C) Learning.

25 “(D) Achievement of mobility.

1 “(E) Self-direction.

2 “(F) Independent living.

3 “(G) Achievement of economic self-suffi-
4 ciency.

5 “(H) Cognitive functioning.

6 “(I) Emotional adjustment.

7 “(17) ELDER ABUSE, NEGLECT, AND EXPLOI-
8 TATION.—The term ‘elder abuse, neglect, and exploi-
9 tation’ means abuse, neglect, and exploitation, of an
10 older individual.

11 “(18) EXPLOITATION.—The term ‘exploitation’
12 means the illegal or improper act or process of an
13 individual, including a caregiver, using the resources
14 of an older individual for monetary or personal bene-
15 fit, profit, or gain.

16 “(19) FOCAL POINT.—The term ‘focal point’
17 means an entity that maximizes the collocation and
18 coordination of services for older individuals.

19 “(20) FRAIL.—The term ‘frail’ means, with re-
20 spect to an older individual in a State, that the older
21 individual is determined to be functionally impaired
22 because the individual—

23 “(A)(i) is unable to perform at least 2 ac-
24 tivities of daily living without substantial

1 human assistance, including verbal reminding;
 2 physical cueing; or supervision; or

3 “(ii) at the option of the State, is unable
 4 to perform at least 3 such activities without
 5 such assistance; or

6 “(B) due to a cognitive or other mental
 7 impairment, requires substantial supervision be-
 8 cause the individual behaves in a manner that
 9 poses a serious health or safety hazard to the
 10 individual or to another individual.

11 “(21) GREATEST ECONOMIC NEED.—The term
 12 ‘greatest economic need’ means the need resulting
 13 from an income level at or below the poverty line.

14 “(22) GREATEST SOCIAL NEED.—The term
 15 ‘greatest social need’ means the need caused by non-
 16 economic factors that include—

17 “(A) physical and mental disabilities;

18 “(B) language barriers; and

19 “(C) cultural, social, or geographical isola-
 20 tion, including isolation caused by racial or eth-
 21 nic status, that—

22 “(i) restricts the ability of an individ-
 23 ual to perform normal daily tasks; or

24 “(ii) threatens the capacity of the in-
 25 dividual to live independently.

1 ~~“(23) IN-HOME SERVICES.—~~The term ‘in-home
2 services’ includes—

3 ~~“(A) homemaker and home health aides;~~

4 ~~“(B) visiting and telephone reassurance;~~

5 ~~“(C) chore maintenance;~~

6 ~~“(D) in-home respite care for families; and~~
7 adult day-care as a respite service for families;

8 ~~“(E) minor modification of homes that is~~
9 necessary to facilitate the ability of older indi-
10 viduals to remain at home and that is not avail-
11 able under programs carried out under other
12 Acts, except that not more than \$150 per client
13 may be expended under this Act for such modi-
14 fication;

15 ~~“(F) personal care services; and~~

16 ~~“(G) other in-home services as defined—~~

17 ~~“(i) by the State agency in the State~~
18 plan submitted in accordance with section
19 202; and

20 ~~“(ii) by the area agency on aging in~~
21 the area plan submitted in accordance with
22 section 302.

23 ~~“(24) INDIAN.—~~The term ‘Indian’ means—

24 ~~“(A) except as used in title IV, an individ-~~
25 ual who is a member of an Indian tribe; and

1 “(B) as used in title IV, an individual who
 2 is a member of an Indian tribe, as defined in
 3 paragraph (25)(B).

4 “(25) INDIAN TRIBE.—The term ‘Indian tribe’
 5 means—

6 “(A) except as used in title IV, any tribe,
 7 band, nation, or other organized group or com-
 8 munity that is—

9 “(i) recognized as eligible for the spe-
 10 cial programs and services provided by the
 11 United States to Indians because of their
 12 status as Indians; or

13 “(ii) located on, or in proximity to, a
 14 Federal reservation or rancheria; and

15 “(B) as used in title IV, any tribe, band,
 16 nation, or other organized group or community
 17 that is recognized as eligible for the special pro-
 18 grams and services provided by the United
 19 States to Indians because of their status as In-
 20 dians.

21 “(26) INFORMATION AND ASSISTANCE SERV-
 22 ICE.—The term ‘information and assistance service’
 23 means a service for older individuals that—

24 “(A) provides the individuals with current
 25 information (as of the date the information is

1 provided) on opportunities and services avail-
2 able to the individuals within their communities;
3 including information relating to assistive tech-
4 nology;

5 “(B) assesses the problems and capacities
6 of the individuals;

7 “(C) links the individuals to the opportuni-
8 ties and services that are available;

9 “(D) educates the individuals about insur-
10 ance benefits and public benefits (including var-
11 ious health care benefit options available to
12 qualified medicare beneficiaries, as defined in
13 section 1905(p) of the Social Security Act (42
14 U.S.C. 1396d(p)), within an area, such as fee-
15 for-service options, health maintenance organi-
16 zation and other managed care options, and
17 benefits through medicare supplemental poli-
18 cies);

19 “(E) to the maximum extent practicable,
20 ensures that the individuals receive the services
21 needed by the individuals, and are aware of the
22 opportunities available to the individuals, by es-
23 tablishing adequate followup procedures; and

24 “(F) serves an entire community of older
25 individuals, particularly—

1 “(i) older individuals with greatest so-
2 cial need; and

3 “(ii) older individuals with greatest
4 economic need.

5 “(27) INSURANCE BENEFIT.—The term ‘insur-
6 ance benefit’ means a benefit under—

7 “(A) the medicare program established
8 under title XVIII of the Social Security Act (42
9 U.S.C. 1395 et seq.);

10 “(B) the medicaid program established
11 under title XIX of the Social Security Act (42
12 U.S.C. 1396 et seq.);

13 “(C) a public or private insurance pro-
14 gram;

15 “(D) a medicare supplemental policy; or

16 “(E) a pension plan.

17 “(28) LEGAL ASSISTANCE.—The term ‘legal as-
18 sistance’—

19 “(A) means legal advice and representation
20 provided by an attorney to an older individual
21 with economic or social needs; and

22 “(B) includes—

23 “(i) to the extent feasible, counseling
24 or other appropriate assistance by a para-
25 legal or law student under the direct su-

1 pervision of an attorney to such an older
2 individual; and

3 ~~“(ii) counseling or representation by a~~
4 ~~nonlawyer where permitted by law to such~~
5 ~~an older individual.~~

6 ~~“(29) LONG-TERM CARE FACILITY.—The term~~
7 ~~‘long-term care facility’ means—~~

8 ~~“(A) any skilled nursing facility, as defined~~
9 ~~in section 1819(a) of the Social Security Act~~
10 ~~(42 U.S.C. 1395i-3(a));~~

11 ~~“(B) any nursing facility, as defined in~~
12 ~~section 1919(a) of the Social Security Act (42~~
13 ~~U.S.C. 1396r(a));~~

14 ~~“(C) as used in section 212, a board and~~
15 ~~care facility; and~~

16 ~~“(D) any other adult care home similar to~~
17 ~~a facility or institution described in subpara-~~
18 ~~graph (A), (B), or (C).~~

19 ~~“(30) LOW-INCOME.—The term ‘low-income’,~~
20 ~~used with respect to an individual, means an individ-~~
21 ~~ual who is a member of a family that has income~~
22 ~~that is not more than 150 percent of the poverty~~
23 ~~line.~~

24 ~~“(31) MEDICARE SUPPLEMENTAL POLICY.—~~

25 ~~The term ‘medicare supplemental policy’ has the~~

1 meaning given the term in section 1882(g)(1) of the
 2 Social Security Act (42 U.S.C. 1395ss(g)(1)).

3 ~~“(32) MULTIPURPOSE SENIOR CENTER.—The~~
 4 ~~term ‘multipurpose senior center’ means a commu-~~
 5 ~~nity facility for the organization and provision of a~~
 6 ~~broad spectrum of services; which may include the~~
 7 ~~provision of health (including mental health); social;~~
 8 ~~nutritional; and educational services and the provi-~~
 9 ~~sion of facilities for recreational activities; for older~~
 10 ~~individuals.~~

11 ~~“(33) NATIVE AMERICAN.—The term ‘Native~~
 12 ~~American’ means—~~

13 ~~“(A) an Indian;~~

14 ~~“(B) an Alaska Native; or~~

15 ~~“(C) a Native Hawaiian.~~

16 ~~“(34) NATIVE HAWAIIAN.—The term ‘Native~~
 17 ~~Hawaiian’ means any individual any of whose ances-~~
 18 ~~tors were natives of the area that consists of the Ha-~~
 19 ~~waiian Islands prior to 1778.~~

20 ~~“(35) NEGLECT.—The term ‘neglect’ means—~~

21 ~~“(A) the failure to provide for oneself the~~
 22 ~~goods or services that are necessary to avoid~~
 23 ~~physical harm; mental anguish; or mental ill-~~
 24 ~~ness; or~~

1 “(B) the failure of a caregiver to provide
2 the goods or services.

3 ~~“(36) NONPROFIT.—The term ‘nonprofit’, used~~
4 ~~with respect to any agency, institution, or organiza-~~
5 ~~tion, means an agency, institution, or organization~~
6 ~~that is, or is owned and operated by, 1 or more cor-~~
7 ~~porations or associations no part of the net earnings~~
8 ~~of which inures, or may lawfully inure, to the benefit~~
9 ~~of any private shareholder or individual.~~

10 ~~“(37) NUTRITION SERVICES.—The term ‘nutri-~~
11 ~~tion services’ means the services authorized to be~~
12 ~~provided through a project carried out under subtitle~~
13 ~~C of title III (including similar services provided~~
14 ~~under title IV).~~

15 ~~“(38) OLDER INDIVIDUAL.—The term ‘older in-~~
16 ~~dividual’ means—~~

17 ~~“(A) except as used in subtitle C of title~~
18 ~~H, an individual who is 60 years of age or~~
19 ~~older; and~~

20 ~~“(B) as used in subtitle C of title H, an~~
21 ~~individual who is 55 years of age or older.~~

22 ~~“(39) PENSION PLAN.—The term ‘pension plan’~~
23 ~~means an employee pension benefit plan, as defined~~
24 ~~in section 3(2) of the Employee Retirement Income~~
25 ~~Security Act of 1974 (29 U.S.C. 1002(2)).~~

1 “(40) PHYSICAL HARM.—The term ‘physical
2 harm’ means bodily injury, bodily impairment, or
3 disease.

4 “(41) PLANNING AND SERVICE AREA.—The
5 term ‘planning and service area’ means an area des-
6 ignated by a State agency under section
7 201(a)(1)(E), including a single planning and serv-
8 ice area described in section 301(a)(1)(E).

9 “(42) POVERTY LINE.—The term ‘poverty line’
10 means the poverty line (as defined by the Office of
11 Management and Budget, and revised annually by
12 the Secretary in accordance with section 673(2) of
13 the Community Services Block Grant Act (42 U.S.C.
14 9902(2)) applicable to a family of the size involved.

15 “(43) PUBLIC BENEFIT.—The term ‘public ben-
16 efit’ means a benefit under—

17 “(A) the Federal Old-Age, Survivors, and
18 Disability Insurance Benefits programs under
19 title II of the Social Security Act (42 U.S.C.
20 401 et seq.);

21 “(B) the medicare program established
22 under title XVIII of the Social Security Act, in-
23 cluding benefits as a qualified medicare bene-
24 ficiary, as defined in section 1905(p) of the So-
25 cial Security Act (42 U.S.C. 1396d(p));

1 “(C) the medicaid program established
2 under title XIX of the Social Security Act;

3 “(D) the program established under the
4 Food Stamp Act of 1977 (7 U.S.C. 2011 et
5 seq.);

6 “(E) the program established under the
7 Low-Income Home Energy Assistance Act of
8 1981 (42 U.S.C. 8621 et seq.);

9 “(F) the supplemental security income pro-
10 gram established under title XVI of the Social
11 Security Act (42 U.S.C. 1381 et seq.); or

12 “(G) a program determined to be appro-
13 priate by the Assistant Secretary.

14 “(44) REPRESENTATIVE PAYEE.—The term
15 ‘representative payee’ means a person who is ap-
16 pointed by a governmental entity to receive, on be-
17 half of an older individual who is unable to manage
18 funds by reason of a physical or mental incapacity,
19 any funds owed to such individual by such entity.

20 “(45) SECRETARY.—The term ‘Secretary’
21 means the Secretary of Health and Human Services.

22 “(46) SEVERE DISABILITY.—The term ‘severe
23 disability’ means a severe, chronic disability attrib-
24 utable to a mental or physical impairment, or a com-
25 bination of mental and physical impairments, that—

1 “(A) is likely to continue indefinitely; and

2 “(B) results in substantial functional limi-
3 tation in 3 or more of the major life activities
4 specified in subparagraphs (A) through (I) of
5 paragraph (16).

6 “(47) STATE.—The term ‘State’ means any of
7 the several States, the District of Columbia, the
8 Commonwealth of Puerto Rico, Guam, American
9 Samoa, the Virgin Islands of the United States, and
10 the Commonwealth of the Northern Mariana Is-
11 lands.

12 “(48) STATE AGENCY.—The term ‘State agen-
13 cy’ means the agency designated under section
14 201(a)(1).

15 “(49) SUPPORTIVE SERVICE.—The term ‘sup-
16 portive service’ means a service described in section
17 311.

18 “(50) TRIBAL ORGANIZATION.—

19 “(A) IN GENERAL.—Except as used in title
20 IV, the term ‘tribal organization’ means—

21 “(i) the recognized governing body of
22 an Indian tribe;

23 “(ii) the legally established organiza-
24 tion of Indians that is controlled, sanc-

tioned, or chartered by the recognized governing body of an Indian tribe;

“(iii) a legally established organization of Indians that is democratically elected by the adult members of the Indian community to be served by such organization and that includes the maximum participation of Indians in all phases of the activities of the organization; and

“(iv) a public or nonprofit private organization that is primarily controlled by and comprised of Indians or Indian tribes.

“(B) TITLE IV.—

“(i) DEFINITION.—As used in title IV, the term ‘tribal organization’ means—

“(I) the recognized governing body of an Indian tribe;

“(II) the legally established organization of Indians that is controlled, sanctioned, or chartered by the recognized governing body of an Indian tribe; and

“(III) a legally established organization of Indians that is democratically elected by the adult members of

1 the Indian community to be served by
 2 such organization and that includes
 3 the maximum participation of Indians
 4 in all phases of the activities of the
 5 organization.

6 “(ii) CLARIFICATION.—As used in this
 7 subparagraph, the terms ‘Indian’ and ‘In-
 8 dian tribe’ have the meanings given the
 9 terms in paragraphs (24)(B) and (25)(B),
 10 respectively.

11 “(51) UNIT OF GENERAL PURPOSE LOCAL GOV-
 12 ERNMENT.—The term ‘unit of general purpose local
 13 government’ means a political subdivision of a State,
 14 whose authority is general and not limited to only 1
 15 function or combination of related functions.

16 **“Subtitle B—Administration**

17 **“SEC. 111. ESTABLISHMENT OF ADMINISTRATION ON** 18 **AGING.**

19 “(a) ESTABLISHMENT.—There is established in the
 20 Office of the Secretary, an Administration on Aging,
 21 which shall be headed by an Assistant Secretary for Aging.
 22 This Act shall be administered through the Administra-
 23 tion, acting under the supervision of the Secretary.

1 “(b) ASSISTANT SECRETARY.—The Assistant Sec-
 2 retary shall be appointed by the President by and with
 3 the advice and consent of the Senate.

4 “(c) DESIGNATION RELATING TO THE ADMINISTRA-
 5 TION OF THE STATE LONG-TERM CARE OMBUDSMAN
 6 PROGRAM.—The Assistant Secretary shall designate an
 7 employee of the Administration who shall be responsible,
 8 under the supervision of the Assistant Secretary, for the
 9 administration of the State long-term care ombudsman
 10 program carried out under this Act.

11 “(d) DESIGNATION RELATING TO THE ADMINISTRA-
 12 TION OF THE SENIOR COMMUNITY SERVICE EMPLOY-
 13 MENT PROGRAM.—The Assistant Secretary shall des-
 14 ignate an employee of the Administration who shall be re-
 15 sponsible, under the supervision of the Assistant Sec-
 16 retary, for the administration of subtitle C of title II.

17 “(e) DESIGNATION RELATING TO THE ADMINISTRA-
 18 TION OF NUTRITION SERVICES.—

19 “(1) IN GENERAL.—The Assistant Secretary
 20 shall designate an employee of the Administration
 21 who shall be responsible, under the supervision of
 22 the Assistant Secretary, for the administration of
 23 subtitle C of title III.

24 “(2) QUALIFICATIONS.—The employee de-
 25 scribed in paragraph (1) shall—

1 “(A) have expertise in nutrition and die-
2 tary services and planning; and

3 “(B)(i) be a registered dietitian;

4 “(ii) be a credentialed nutrition profes-
5 sional; or

6 “(iii) have education and training that is
7 substantially equivalent to the education and
8 training for a registered dietitian or a
9 credentialed nutrition professional.

10 “(f) DESIGNATION RELATING TO THE ADMINISTRA-
11 TION OF PROGRAMS AFFECTING NATIVE AMERICANS.—

12 The Assistant Secretary shall designate an employee of
13 the Administration who has expertise with respect to pro-
14 grams and services affecting Native Americans, to be re-
15 sponsible, under the supervision of the Assistant Sec-
16 retary, for the administration of title IV and for coordina-
17 tion of other programs, projects, and activities carried out
18 under this Act that affect Native Americans.

19 **“SEC. 112. FUNCTIONS OF THE ASSISTANT SECRETARY.**

20 “(a) DUTIES.—The duties of the Assistant Secretary
21 are as follows:

22 “(1) ADMINISTRATION.—The Assistant Sec-
23 retary shall effectively carry out this Act by admin-
24 istering grants made and contracts entered into

1 under this Act, and carrying out programs under
2 this Act.

3 ~~“(2) TECHNICAL ASSISTANCE TO STATES, PO-~~
4 ~~LITICAL SUBDIVISIONS, AND TRIBAL ORGANIZA-~~
5 ~~TIONS.—The Assistant Secretary shall provide tech-~~
6 ~~nical assistance to, and consult with, States, political~~
7 ~~subdivisions of States, and tribal organizations, with~~
8 ~~respect to programs for older individuals and aging.~~

9 ~~“(3) ASSISTANCE TO SECRETARY.—The Assist-~~
10 ~~ant Secretary shall directly assist the Secretary in~~
11 ~~all matters pertaining to problems of older individ-~~
12 ~~uals and aging.~~

13 ~~“(4) COORDINATION OF AND ASSISTANCE IN~~
14 ~~PLANNING.—The Assistant Secretary shall coordi-~~
15 ~~nate, and assist in, the planning and development by~~
16 ~~public agencies (including Federal, State, and local~~
17 ~~agencies and tribal organizations) and private agen-~~
18 ~~cies and organizations of programs for older individ-~~
19 ~~uals to facilitate the establishment of a nationwide~~
20 ~~network of comprehensive, coordinated services, and~~
21 ~~opportunities, for older individuals.~~

22 ~~“(5) STATISTICAL DATA REGARDING ASSISTED~~
23 ~~ACTIVITIES.—The Assistant Secretary shall collect,~~
24 ~~for each fiscal year beginning after September 30,~~
25 ~~1996, directly or by contract, statistical data regard-~~

1 ing services and activities provided with funds made
2 available under this Act, including—

3 “(A) with respect to each type of service or
4 activity provided with such funds (except any
5 service or activity relating to the State long-
6 term care ombudsman program described in
7 subtitle B of title II)—

8 “(i) the aggregate amount of such
9 funds expended to provide such service or
10 activity ;

11 “(ii) the unduplicated number of indi-
12 viduals who received such service or par-
13 ticipated in such activity;

14 “(iii) the unduplicated number of mi-
15 nority individuals who received such service
16 or participated in such activity; and

17 “(iv) the number of units of such
18 service or activity provided;

19 “(B)(i) State long-term care ombudsman
20 program data, including numbers, types, and
21 disposition of cases and complaints;

22 “(ii) major institutional care issues identi-
23 fied and addressed by the State long-term care
24 ombudsman program; and

1 “(iii) data on the statewide program devel-
 2 opment, operations, and outreach of such pro-
 3 gram; and

4 “(C) the number of multipurpose senior
 5 centers that received such funds.

6 ~~“(6) UNIFORM DATA COLLECTION PROCE-~~
 7 ~~DURES.—~~The Assistant Secretary, in order to facili-
 8 tate the collection of data described in paragraph
 9 (5), shall, not later than 1 year after the date of en-
 10 actment of the Older Americans Amendments of
 11 1996—

12 ~~“(A) design and implement uniform data~~
 13 ~~collection procedures for use by State agencies,~~
 14 ~~including—~~

15 ~~“(i) standardized data collection pro-~~
 16 ~~cedures;~~

17 ~~“(ii) procedures for collecting infor-~~
 18 ~~mation on gaps in services needed by older~~
 19 ~~individuals, as identified by service provid-~~
 20 ~~ers who assist older individuals by provid-~~
 21 ~~ing, collectively, supportive services and~~
 22 ~~nutrition services; and~~

23 ~~“(iii) procedures for assessing the~~
 24 ~~unmet need for services provided under~~
 25 ~~this Act; and~~

1 “(B) prescribe uniform definitions and no-
 2 menclature for the categories of data to be col-
 3 lected (including standard definitions of terms;
 4 such as the term ‘resolution of a complaint’, to
 5 be used under the State long-term care om-
 6 budsman program described in subtitle B of
 7 title II).

8 “(7) ADVOCACY.—The Assistant Secretary shall
 9 serve as the effective and visible advocate for older
 10 individuals, within the Department of Health and
 11 Human Services and with other departments, agen-
 12 cies, and instrumentalities of the Federal Govern-
 13 ment by maintaining active review of and comment-
 14 ing on all Federal policies affecting older individuals.

15 “(8) INFORMATION ON COMMUNITY RE-
 16 SOURCES.—The Assistant Secretary shall establish
 17 and operate, directly or by grant or contract, a na-
 18 tionwide toll-free telephone line that provides infor-
 19 mation and assistance that—

20 “(A) enable individuals to locate commu-
 21 nity resources that may be available to older in-
 22 dividuals and their caregivers; and

23 “(B) build on, support, and are fully co-
 24 ordinated with the activities of State agencies
 25 and area agencies on aging.

1 “(b) ~~FEDERAL AGENCY CONSULTATION.~~—The As-
 2 sistant Secretary, in carrying out the purpose and provi-
 3 sions of this Act, shall coordinate activities with, advise,
 4 consult with, and cooperate with the head of each depart-
 5 ment, agency, or instrumentality of the Federal Govern-
 6 ment proposing or administering a program or service sub-
 7 stantially related to the purpose of this Act, with respect
 8 to such program or service. The Assistant Secretary, in
 9 carrying out this Act, may request the technical assistance
 10 and cooperation of the heads of such departments, agen-
 11 cies, and instrumentalities of the Federal Government as
 12 the Assistant Secretary considers to be appropriate. The
 13 head of each department, agency, or instrumentality of the
 14 Federal Government proposing to establish or modify any
 15 program or service substantially related to the purpose of
 16 this Act shall coordinate activities, consult, and cooperate
 17 with the Assistant Secretary, with respect to such program
 18 or service.

19 “(c) ~~POWERS.~~—In carrying out this Act, the Assist-
 20 ant Secretary may exercise the following powers:

21 “(1) ~~CONSULTATION; TECHNICAL ASSIST-~~
 22 ~~ANCE.~~—The Assistant Secretary may consult with
 23 and provide technical assistance to public or non-
 24 profit private agencies, organizations, and institu-
 25 tions.

1 ~~“(2) TRAINING; TECHNICAL INSTRUCTION.—~~

2 The Assistant Secretary may provide short-term
3 training and technical instruction.

4 ~~“(3) GRANTS AND CONTRACTS.—~~

5 ~~“(A) IN GENERAL.—~~The Assistant Sec-
6 retary, using funds appropriated under section
7 118(b)(1), may make grants to States, public or
8 nonprofit private agencies, organizations, and
9 institutions, and tribal organizations, and may
10 enter into contracts with such agencies, organi-
11 zations, and institutions, and with individuals,
12 for activities—

13 ~~“(i) to design, to test, and to promote~~
14 utilization of innovative ideas and best
15 practices in programs and services for
16 older individuals;

17 ~~“(ii) to help meet the needs for~~
18 trained personnel in fields related to aging;
19 and

20 ~~“(iii) to increase the awareness of citi-~~
21 zens of all ages of the need to assume per-
22 sonal responsibility for their aging
23 through—

24 ~~“(I) education and training to~~
25 develop an adequately trained

1 workforce to work with and on behalf
2 of older individuals;

3 “(II) research and policy analysis
4 to improve access to and delivery of
5 services for older individuals;

6 “(III) development of methods
7 and practices to improve quality and
8 effectiveness of such services;

9 “(IV) demonstration of new ap-
10 proaches to design, delivery, and co-
11 ordination of services and activities
12 for older individuals;

13 “(V) technical assistance in plan-
14 ning, development, implementation,
15 evaluation, and improvement of pro-
16 grams, projects, and activities under
17 this Act; and

18 “(VI) dissemination of informa-
19 tion on issues related to aging and
20 their impact on individuals and soci-
21 ety and information relating to serv-
22 ices and activities benefiting older in-
23 dividuals.

24 “(B) APPLICATION.—To be eligible to re-
25 ceive a grant or enter into a contract under this

1 paragraph, an entity or individual shall submit
 2 an application to the Assistant Secretary at
 3 such time, in such form, and containing such
 4 information as the Secretary may by rule re-
 5 quire.

6 ~~“(4) MEASUREMENT AND EVALUATION.—~~

7 ~~“(A) IN GENERAL.—~~The Assistant Sec-
 8 retary may provide for the measurement and
 9 evaluation of—

10 ~~“(i) the impact of all activities author-~~
 11 ~~ized under this Act;~~

12 ~~“(ii) the effectiveness of the activities~~
 13 ~~in achieving stated goals of the activities;~~
 14 ~~in general and in relation to the cost of the~~
 15 ~~activities;~~

16 ~~“(iii) the impact of the activities on~~
 17 ~~related programs;~~

18 ~~“(iv) the effectiveness of the activities~~
 19 ~~in targeting for services under this Act~~
 20 ~~older individuals with the greatest eco-~~
 21 ~~nomie need and older individuals with the~~
 22 ~~greatest social need; and~~

23 ~~“(v) the structure and mechanisms of~~
 24 ~~the activities for delivery of services, in-~~
 25 ~~cluding, where appropriate, comparisons~~

1 with delivery of services to appropriate
2 control groups, composed of persons who
3 have not participated in such activities.

4 “(B) PERSONS CONDUCTING MEASURE-
5 MENT AND EVALUATION.—Measurement and
6 evaluation of activities under subparagraph (A)
7 shall be conducted by persons who are not im-
8 mediately involved in the administration of the
9 activities.

10 “(5) NATIONAL CENTER ON ELDER ABUSE.—
11 The Assistant Secretary may provide, through
12 grants or contracts, for the operation of a National
13 Center on Elder Abuse (referred to in this para-
14 graph as the ‘Center’) to—

15 “(A) annually compile, publish, and dis-
16 seminate a summary of recently conducted re-
17 search on elder abuse, neglect, and exploitation;

18 “(B) develop and maintain an information
19 clearinghouse on all programs (including private
20 programs) showing promise of success, for the
21 prevention, identification, and treatment of
22 elder abuse, neglect, and exploitation;

23 “(C) compile, publish, and disseminate
24 training materials for personnel who are en-
25 gaged or intend to engage in the prevention,

1 identification, and treatment of elder abuse, ne-
 2 glect, and exploitation;

3 “(D) provide technical assistance to State
 4 agencies and to other public and nonprofit pri-
 5 vate agencies and organizations to assist the
 6 agencies and organizations in planning, improv-
 7 ing, developing, and carrying out programs and
 8 activities relating to the special problems of
 9 elder abuse, neglect, and exploitation; and

10 “(E) conduct research and demonstration
 11 projects regarding the causes, prevention, iden-
 12 tification, and treatment of elder abuse, neglect,
 13 and exploitation.

14 **“SEC. 113. REPORTS.**

15 “(a) IN GENERAL.—Not later than 120 days after
 16 the end of each fiscal year beginning after September 30,
 17 1996, the Assistant Secretary shall prepare and submit
 18 to the President and to Congress a complete report on
 19 the programs, projects, and activities carried out under
 20 this Act in such fiscal year.

21 “(b) CONTENTS.—Such report shall include—

22 “(1) statistical data on services and activities
 23 provided under this Act for older individuals during
 24 the fiscal year for which such report is submitted;

1 ~~“(2) statistical data collected under section~~
2 ~~112(a)(5); and~~

3 ~~“(3) statistical data; and an analysis of infor-~~
4 ~~mation; regarding the effectiveness of the State~~
5 ~~agencies and area agencies on aging in targeting~~
6 ~~services to older individuals with greatest economic~~
7 ~~need and older individuals with greatest social need;~~
8 ~~with particular attention to low-income minority in-~~
9 ~~dividuals.~~

10 **~~“SEC. 114. REDUCTION OF PAPERWORK.~~**

11 ~~“In order to reduce unnecessary, duplicative, or dis-~~
12 ~~ruptive demands for information, the Assistant Secretary,~~
13 ~~in consultation with State agencies and other appropriate~~
14 ~~agencies and organizations, shall continually review and~~
15 ~~evaluate all requests by employees of the Administration~~
16 ~~for information under this Act and shall take such action~~
17 ~~as may be necessary to reduce the paperwork required~~
18 ~~under this Act. The Assistant Secretary shall request only~~
19 ~~such information as the Assistant Secretary determines to~~
20 ~~be essential to carry out the purpose and provisions of this~~
21 ~~Act and, in gathering such information, shall make use~~
22 ~~of uniform definitions and nomenclature to the extent that~~
23 ~~such definitions and nomenclature are available.~~

1 **“SEC. 115. SURPLUS PROPERTY ELIGIBILITY.**

2 “Any State or local government agency, and any non-
 3 profit private organization or institution, that receives
 4 funds appropriated for an activity for older individuals
 5 under this Act, under title IV or ~~XX~~ of the Social Security
 6 Act (~~42 U.S.C. 601 et seq. or 1397 et seq.~~), under title
 7 VIII or X of the Economic Opportunity Act of 1964 (~~42~~
 8 ~~U.S.C. 2991 et seq. or 2996 et seq.~~), or under the Com-
 9 munity Services Block Grant Act (~~42 U.S.C. 9901 et~~
 10 ~~seq.~~), shall be deemed eligible to receive for such activity,
 11 property that is declared surplus to the needs of the Fed-
 12 eral Government in accordance with laws applicable to sur-
 13 plus property.

14 **“SEC. 116. TREATMENT OF COSTS.**

15 “No part of the costs of any activity carried out
 16 under this Act may be treated as income or benefits of
 17 any eligible individual (other than any wage or salary to
 18 such individual) for the purpose of any other activity or
 19 provision of Federal or State law.

20 **“SEC. 117. DISASTER RELIEF.**

21 “(a) **RESERVATION OF AMOUNTS.**—At the beginning
 22 of each fiscal year, the Assistant Secretary shall reserve
 23 a portion equal to .06 percent of the total amount appro-
 24 priated under subsections (d) and (e) of section ~~122~~ for
 25 such fiscal year, to provide assistance to entities under
 26 this section.

1 “(b) ASSISTANCE.—The Assistant Secretary may
2 provide assistance to eligible entities for the delivery of
3 supportive services, nutrition services, and related supplies
4 during any major disaster declared by the President under
5 the Robert T. Stafford Disaster Relief and Emergency As-
6 sistance Act (42 U.S.C. 5122 et seq.).

7 “(c) ELIGIBLE ENTITIES.—To be eligible to receive
8 assistance under this section, an entity shall be a recipient
9 of funding under this Act (other than this section).

10 “(d) APPLICATIONS.—To be eligible to receive assist-
11 ance under this section, an entity shall submit an applica-
12 tion to the Assistant Secretary at such time, in such man-
13 ner, and containing such information as the Assistant Sec-
14 retary may require.

15 “(e) UNUSED FUNDS.—Funds that are reserved
16 under subsection (a) for a fiscal year and that are not
17 distributed by the end of the fiscal year shall be allotted
18 to States as provided in section 121(e), for use in the fol-
19 lowing fiscal year.

20 “(f) CLARIFICATION.—Nothing in this section shall
21 be construed to prohibit recipients of assistance under this
22 section from making expenditures for disaster relief for
23 older individuals, in excess of amounts provided under this
24 section, by using funds made available to the recipients

1 under another section of this Act, under another provision
 2 of Federal or State law, or from a private source.

3 **“SEC. 118. AUTHORIZATION OF APPROPRIATIONS.**

4 “(a) ADMINISTRATION.—There are authorized to be
 5 appropriated to the Administration to carry out this Act
 6 (except to make grants and enter into contracts under
 7 paragraph (3) or (5) of section 112(c) and to carry out
 8 section 112(a)(8)) such sums as may be necessary for fis-
 9 cal years 1997 through 2001.

10 “(b) INNOVATIVE APPROACHES AND BEST PRAC-
 11 TICES; INFORMATION ON COMMUNITY RESOURCES; NA-
 12 TIONAL CENTER ON ELDER ABUSE.—There are author-
 13 ized to be appropriated to the Administration to carry out
 14 paragraphs (3) and (5) of section 112(c) and section
 15 112(a)(8) such sums as may be necessary for fiscal years
 16 1997 through 2001.

17 **“Subtitle C—Funding**

18 **“SEC. 121. ALLOTMENTS; FEDERAL SHARE.**

19 “(a) ALLOTMENT OF FUNDS FOR OMBUDSMAN PRO-
 20 GRAM.—

21 “(1) POPULATION.—In carrying out the pro-
 22 gram described in subtitle B of title II, the Assistant
 23 Secretary shall initially allot to each State, from the
 24 funds appropriated under section 122(a) for each
 25 fiscal year, an amount that bears the same ratio to

1 the funds as the population of older individuals in
 2 the State bears to the population of older individuals
 3 in all States.

4 “(2) MINIMUM ALLOTMENTS.—

5 “(A) IN GENERAL.—After making the ini-
 6 tial allotments described in paragraph (1), the
 7 Assistant Secretary shall adjust the allotments
 8 on a pro rata basis in accordance with subpara-
 9 graph (B).

10 “(B) GENERAL MINIMUM ALLOTMENTS.—

11 No State shall be allotted less than one-half of
 12 1 percent of the funds appropriated under sec-
 13 tion 122(a) for the fiscal year for which the de-
 14 termination is made.

15 “(C) DEFINITION.—For the purposes of

16 this paragraph, the term ‘State’ does not in-
 17 clude Guam, American Samoa, the United
 18 States Virgin Islands, and the Commonwealth
 19 of the Northern Mariana Islands.

20 “(b) ALLOTMENT OF FUNDS FOR SENIOR COMMU-
 21 NITY SERVICE EMPLOYMENT PROGRAM.—

22 “(1) RESERVATION OF FUNDS FOR TRIBAL OR-

23 GANIZATIONS.—Of the amount appropriated under
 24 section 122(b) for each of fiscal years 1997 through
 25 2001, the Assistant Secretary shall reserve not more

1 than 1.3 percent for making grants under subtitle C
2 of title II to tribal organizations:

3 ~~“(2) ALLOTMENT OF FUNDS FOR FISCAL YEARS~~
4 ~~1997 THROUGH 2001.—~~

5 ~~“(A) ALLOTMENT.—~~After reserving funds
6 under paragraph (1), the Assistant Secretary
7 shall allot the remainder of the amount appro-
8 priated under section 122(b) for each of fiscal
9 years 1997 through 2001 among the States as
10 follows:

11 ~~“(i) FISCAL YEARS 1997 THROUGH~~
12 ~~1999.—~~For each of fiscal years 1997, 1998,
13 and 1999—

14 ~~“(I) the product of the remainder~~
15 for such fiscal year and the base per-
16 centage rate for such fiscal year shall
17 be allotted among the States propor-
18 tionately based on their respective
19 shares of the funds appropriated for
20 fiscal year 1995 and allotted for the
21 States to carry out title V (as in ef-
22 fect on the day before the date of en-
23 actment of the Older Americans
24 Amendments of 1996); and

1 “(H) the balance of the amount
2 appropriated under section 122(b) for
3 such fiscal year shall be allotted in ac-
4 cordance with subparagraph (C).

5 “(ii) FISCAL YEARS 2000 AND 2001.—
6 After reserving funds under paragraph (1),
7 the Assistant Secretary shall allot the bal-
8 ance of the amount appropriated under
9 section 122(b) for each of fiscal years
10 2000 and 2001 in accordance with sub-
11 paragraph (C).

12 “(B) BASE PERCENTAGE RATES.—For
13 purposes of subparagraph (A)(i)(I), the base
14 percentage rates shall be the following:

“Fiscal year:	Base percentage rate:
1997	60 percent
1998	40 percent
1999	20 percent.

15 “(C) ALLOTMENTS BASED ON AGE AND
16 PER CAPITA INCOME.—Each balance referred to
17 in clauses (i)(H) and (ii) of subparagraph (A)
18 shall be allotted as follows:

19 “(i) ALLOTMENT.—Subject to clause
20 (ii), each State shall be allotted the
21 amount that bears the same ratio to the
22 balance as the product of the number of
23 individuals 55 years of age or older in the

1 State and the allotment percentage of the
 2 State bears to the sum of the correspond-
 3 ing products for all the States.

4 “(ii) REDUCTION.—The amounts al-
 5 lotted under clause (i) shall be reduced
 6 proportionately to the extent necessary to
 7 increase other allotments made under such
 8 clause to achieve the following:

9 “(I) STATES.—Each State shall
 10 be allotted not less than $\frac{1}{2}$ of 1 per-
 11 cent of the balance for the fiscal year
 12 for which the determination is made.

13 “(II) OTHER JURISDICTIONS.—
 14 Guam, American Samoa, the Virgin
 15 Islands of the United States, and the
 16 Commonwealth of the Northern Mari-
 17 ana Islands shall each be allotted not
 18 less than $\frac{1}{4}$ of 1 percent of the bal-
 19 ance for the fiscal year for which the
 20 determination is made or \$50,000,
 21 whichever is greater.

22 “(D) ALLOTMENT PERCENTAGE.—For
 23 purposes of subparagraph (C)(i)—

24 “(i) except as provided in clauses (ii)
 25 through (iv), the allotment percentage of

1 each State shall be 100 percent less the
 2 percentage that bears the same ratio to 50
 3 percent as the per capita income of the
 4 State bears to the per capita income of all
 5 the States;

6 “(ii) the allotment percentage for each
 7 State shall be not more than 75 percent
 8 and not less than $33\frac{1}{3}$ percent;

9 “(iii) the allotment percentage for
 10 Guam, American Samoa, the Virgin Is-
 11 lands of the United States, and the Com-
 12 monwealth of the Northern Mariana Is-
 13 lands shall be 75 percent; and

14 “(iv) subject to clause (ii), the allot-
 15 ment percentage for a State whose allot-
 16 ment percentage is not adjusted under
 17 clause (ii) or (iii) shall be adjusted propor-
 18 tionately to the extent necessary to achieve
 19 the percentages required under such
 20 clauses.

21 “(E) LIMITATION.—For purposes of sub-
 22 paragraphs (C)(ii)(I) and (D)(i), the term
 23 ‘State’ does not include Guam, American
 24 Samoa, the Virgin Islands of the United States,

1 or the Commonwealth of the Northern Mariana
2 Islands.

3 ~~“(F) POPULATION AND PER CAPITA IN-~~
4 ~~COME DETERMINATIONS.—~~For purposes of this
5 paragraph, the number of individuals 55 years
6 of age or older in each State, and the per capita
7 income of each State, shall be determined by
8 the Assistant Secretary on the basis of the most
9 recent data available from the Bureau of the
10 Census and other reliable demographic data
11 satisfactory to the Assistant Secretary.

12 ~~“(e) ALLOTMENT OF FUNDS FOR SUPPORTIVE SERV-~~
13 ~~ICES AND MULTIPURPOSE SENIOR CENTERS, AND NUTRI-~~
14 ~~TION SERVICES.—~~

15 ~~“(1) ALLOTMENT OF FUNDS FOR FISCAL YEARS~~
16 ~~1997 THROUGH 2001.—~~

17 ~~“(A) ALLOTMENT.—~~Subject to subpara-
18 graphs (B) and (C), after reserving funds under
19 section 117, the Assistant Secretary shall allot
20 the remainder of the sum of the amounts ap-
21 propriated under subsections (d) and (e) of sec-
22 tion 122 for each of fiscal years 1997 through
23 2001 among the States as follows:

“(i) FISCAL YEARS 1997 THROUGH
2000.—For each of fiscal years 1997, 1998,
1999, and 2000—

“(I) the product of such remain-
der for such fiscal year and the base
percentage rate for such fiscal year
shall be allotted among the States
proportionately based on their respec-
tive shares of the funds appropriated
for fiscal year 1996 and allotted for
the States to carry out titles III and
VII (as in effect on the day before the
date of enactment of the Older Ameri-
cans Amendments of 1996); and

“(II) the balance of such remain-
der for such fiscal year shall be allot-
ted among the States proportionately
based on their respective shares of the
population of individuals 60 years of
age or older in the States.

“(ii) BASE PERCENTAGE RATES.—For
purposes of clause (i)(I), the base percent-
age rates shall be the following:

“Fiscal year:	Base percentage rate:
1997	80 percent
1998	60 percent
1999	40 percent
2000	20 percent.

1 “(iii) FISCAL YEAR 2001.—Such re-
 2 mainder for fiscal year 2001 shall be allot-
 3 ted among the States proportionately
 4 based on their respective shares of the pop-
 5 ulation of individuals 60 years of age or
 6 older in the States.

7 “(B) REDUCTION.—The amounts allotted
 8 under subparagraph (A) shall be reduced pro-
 9 portionately to the extent necessary to increase
 10 other allotments made under such subpara-
 11 graph to achieve the following:

12 “(i) STATES.—Each State shall be al-
 13 lotted not less than $\frac{1}{2}$ of 1 percent of the
 14 remainder described in subparagraph (A)
 15 for the fiscal year for which the determina-
 16 tion is made.

17 “(ii) GUAM; VIRGIN ISLANDS.—Guam
 18 and the Virgin Islands of the United
 19 States shall each be allotted not less than
 20 $\frac{1}{4}$ of 1 percent of the remainder described
 21 in subparagraph (A) for the fiscal year for
 22 which the determination is made.

23 “(iii) AMERICAN SAMOA; NORTHERN
 24 MARIANA ISLANDS.—American Samoa and
 25 the Commonwealth of the Northern Mari-

1 ana Islands shall each be allotted not less
 2 than $\frac{1}{16}$ of 1 percent of the remainder de-
 3 scribed in subparagraph (A) for the fiscal
 4 year for which the determination is made.

5 “(C) LIMITATION.—For the purposes of
 6 subparagraph (B)(i), the term ‘State’ does not
 7 include Guam, American Samoa, the Virgin Is-
 8 lands of the United States, and the Common-
 9 wealth of the Northern Mariana Islands.

10 “(D) POPULATION DETERMINATIONS.—
 11 For purposes of this paragraph, the number of
 12 individuals 60 years of age or older in each
 13 State shall be determined by the Assistant Sec-
 14 retary on the basis of the most recent data
 15 available from the Bureau of the Census and
 16 other reliable demographic data satisfactory to
 17 the Assistant Secretary.

18 “(2) FEDERAL SHARE REQUIREMENT.—

19 “(A) IN GENERAL.—A State that receives
 20 an allotment under this subsection for a fiscal
 21 year shall use funds made available through the
 22 allotment to pay for the Federal share of the
 23 cost of carrying out subtitles B and C of title
 24 III for such fiscal year.

1 “(B) FEDERAL SHARE.—The Federal
2 share of the cost of carrying out such subtitles
3 shall be not more than 85 percent.

4 “(C) NON-FEDERAL SHARE.—The non-
5 Federal share of such cost shall be contributed
6 in cash or in kind. In determining the amount
7 of the non-Federal share, the Assistant Sec-
8 retary may attribute fair market value to serv-
9 ices and facilities contributed from non-Federal
10 sources.

11 “(d) PERMITTED USE OF ALLOTMENTS.—

12 “(1) ADMINISTRATION OF STATE PLANS.—

13 “(A) STATES.—Except as provided in sub-
14 paragraph (B), an amount equal to the greater
15 of 5 percent, or \$500,000, of the aggregate of
16 the allotments made to a State under sub-
17 sections (a) and (c) for a fiscal year shall be
18 available to the State to use for such fiscal year
19 in accordance with section 203(a).

20 “(B) OTHER JURISDICTIONS.—In the case
21 of allotments made under subsections (a) and
22 (c) to Guam, American Samoa, the Virgin Is-
23 lands of the United States, or the Common-
24 wealth of the Northern Mariana Islands, an
25 amount equal to the greater of 5 percent, or

1 ~~\$100,000, of the aggregate of such allotments~~
 2 ~~for a fiscal year shall be available to the State~~
 3 ~~to use for such fiscal year in accordance with~~
 4 ~~section 202(a).~~

5 ~~“(2) APPLICATION TO USE ADDITIONAL~~
 6 ~~FUNDS.—~~

7 ~~“(A) DETERMINATION.—If a State sub-~~
 8 ~~mits an application in which the State requests~~
 9 ~~permission to use additional funds, above the~~
 10 ~~amount that would otherwise be permitted~~
 11 ~~under paragraph (1), from the aggregate of the~~
 12 ~~allotments described in paragraph (1)(A) in ac-~~
 13 ~~cordance with section 202(a), the Assistant Sec-~~
 14 ~~retary may approve the application if the As-~~
 15 ~~sistant Secretary determines, based on a par-~~
 16 ~~ticularized showing of need, that—~~

17 ~~“(i) the State will be unable to fully~~
 18 ~~and effectively administer the State plan of~~
 19 ~~the State submitted under section 202 and~~
 20 ~~to carry out programs, projects, and activi-~~
 21 ~~ties authorized under subtitle B of title II,~~
 22 ~~and subtitles B and C of title III, unless~~
 23 ~~the additional funds are made available by~~
 24 ~~the Assistant Secretary;~~

1 “(ii) the State is making full and ef-
 2 fective use of the allotments described in
 3 paragraph (1)(A) and of the personnel of
 4 the State agency and area agencies on
 5 aging in the administration of the State
 6 plan in accordance with section 203(a);
 7 and

8 “(iii) the State agency and area agen-
 9 cies on aging are carrying out, on a full-
 10 time basis, programs, projects, and activi-
 11 ties that are in furtherance of the objec-
 12 tives of subtitle B of title II and subtitles
 13 B and C of title III.

14 “(B) PART OF ADDITIONAL FUNDS.—Sub-
 15 ject to subparagraph (C), the Assistant Sec-
 16 retary may approve any part of the additional
 17 funds requested in such application that the As-
 18 sistant Secretary determines is justified in such
 19 application.

20 “(C) LIMIT ON AMOUNT.—The additional
 21 funds available under this paragraph to a par-
 22 ticular State for any fiscal year may not exceed
 23 $\frac{3}{4}$ of 1 percent of the aggregate of the allot-
 24 ments described in paragraph (1)(A) that are
 25 provided to the State for such fiscal year.

1 “(D) ASSURANCES.—

2 “(i) IN GENERAL.—The Assistant
3 Secretary may not approve an application
4 submitted under subparagraph (A) by a
5 State unless the application contains the
6 assurance described in clause (ii).

7 “(ii) PROHIBITION ON REPLACEMENT
8 OF EMPLOYEES WITH PARTICIPANTS SUP-
9 PORTED UNDER THIS ACT.—The applica-
10 tion shall contain an assurance that the
11 State will not use any funds made avail-
12 able under this subsection for the uses de-
13 scribed in subparagraph (A) to hire any in-
14 dividual to fill a job opening created by an
15 action of the State that consists of laying
16 off or terminating the employment of any
17 regular employee not supported under this
18 Act in anticipation of filling the job open-
19 ing so created by hiring a participant to be
20 supported through use of such funds.

21 “(3) ADDITIONAL USE.—Of the amount that is
22 made available to a State through allotments made
23 under subsections (a) and (c) for a fiscal year and
24 that remains after the application of paragraphs (1)
25 and (2), such part as the State agency determines

1 to be appropriate, but not more than 10 percent of
 2 such remaining amount, may be used to pay such
 3 percentage as the State agency determines to be ap-
 4 propriate, but not more than 85 percent, of the ad-
 5 ministrative costs incurred to carry out area plans
 6 submitted in accordance with section 302.

7 (4) OMBUDSMAN PROGRAM.—Of the amount
 8 that is made available to a State for supportive serv-
 9 ices (including services to support multipurpose sen-
 10 ior centers) through an allotment made under sub-
 11 section (c) for a fiscal year and that remains after
 12 the application of paragraphs (1), (2), and (3), such
 13 amount as the State agency determines to be ade-
 14 quate for conducting an effective ombudsman pro-
 15 gram in accordance with subtitle B of title II shall
 16 be available for conducting such program.

17 “(5) REALLOTMENT.—If any part of the
 18 amount allotted under a subsection of this section to
 19 a State for a fiscal year is not distributed to the
 20 State for such fiscal year, such part shall be reallot-
 21 ted under such subsection for such fiscal year to the
 22 remaining eligible States.

23 **“SEC. 122. AUTHORIZATION OF APPROPRIATIONS.**

24 “(a) STATE LONG-TERM CARE OMBUDSMAN PRO-
 25 GRAM.—There are authorized to be appropriated to carry

1 out subtitle B of title II, such sums as may be necessary
 2 for fiscal years 1997 through 2001.

3 “(b) SENIOR COMMUNITY SERVICE EMPLOYMENT
 4 PROGRAM.—There are authorized to be appropriated to
 5 carry out subtitle C of title II, such sums as may be nec-
 6 essary for fiscal years 1997 through 2001.

7 “(c) DISEASE PREVENTION AND HEALTH PRO-
 8 MOTION.—There are authorized to be appropriated to
 9 carry out subtitle D of title II, such sums as may be nec-
 10 essary for fiscal years 1997 through 2001.

11 “(d) SUPPORTIVE SERVICES AND SENIOR CEN-
 12 TERS.—There are authorized to be appropriated to carry
 13 out subtitle B of title III, such sums as may be necessary
 14 for fiscal years 1997 through 2001.

15 “(e) NUTRITION SERVICES.—There are authorized to
 16 be appropriated to carry out subtitle C of title III, such
 17 sums as may be necessary for fiscal years 1997 through
 18 2001.

19 “(f) PROGRAM YEAR AND EXTENSIONS.—

20 “(1) PROGRAM YEAR.—Amounts appropriated
 21 under subsection (b) for any fiscal year shall be used
 22 during the annual period that—

23 “(A) begins on July 1 of the calendar year
 24 immediately following the beginning of such fis-
 25 cal year; and

1 “(B) ends on June 30 of the following cal-
2 endar year.

3 “(2) EXTENSIONS.—If, in accordance with sec-
4 tion 121(d)(5), any part of an allotment is reallocated
5 to a State for a fiscal year, such part shall be con-
6 sidered to be a portion of the appropriate allotment
7 of the State for the fiscal year, but shall remain
8 available until the end of the succeeding fiscal year.

9 **“SEC. 123. ADDITIONAL FUNDS AVAILABLE FOR NUTRITION**
10 **SERVICES.**

11 “(a) FUNDS AVAILABLE.—There are authorized to be
12 appropriated to the Secretary of Agriculture (in addition
13 to the amount appropriated to the Secretary of Health and
14 Human Services under section 122(e)) to provide nutrition
15 services under subtitle C of title III \$156,625,000 for fis-
16 cal year 1997 and such sums as may be necessary for fis-
17 cal years 1998 through 2001.

18 “(b) DIVISION OF FUNDS.—The Secretary of Agri-
19 culture shall divide the funds that are made available
20 under subsection (a) so that—

21 “(1) 98.9 percent of such funds is allotted to
22 States in accordance with subsection (c) to provide
23 nutrition services under subtitle C of title III; and

24 “(2) the balance is available to make grants
25 under title IV to provide nutrition services.

1 “(c) ALLOTMENT.—In providing funds for nutrition
 2 services under subsection (b)(1) for a fiscal year, the Sec-
 3 retary of Agriculture shall determine a per meal rate equal
 4 to the amount appropriated under subsection (a) for the
 5 fiscal year, divided by the number of meals served in the
 6 preceding fiscal year. The Secretary of Agriculture shall
 7 allot to each State, for the fiscal year for which the deter-
 8 mination is made, the product of the per meal rate and
 9 the number of meals served in the State in the preceding
 10 fiscal year.

11 “(d) RECEIPT OF COMMODITIES IN LIEU OF CASH.—
 12 A State or area agency on aging that receives funds allot-
 13 ted under subsection (b)(1), or a recipient of a grant re-
 14 ferred to in subsection (b)(2), may elect to enter into an
 15 agreement with the Secretary of Agriculture to purchase
 16 commodities with all or part of such funds or of the funds
 17 made available through such grant, through authorities in-
 18 cluding section 32 of the Act entitled “An Act to amend
 19 the Agricultural Adjustment Act, and for other purposes”,
 20 approved August 24, 1935 (7 U.S.C. 612e), section 416
 21 of the Agricultural Act of 1949 (7 U.S.C. 1431), and sec-
 22 tion 709 of the Food and Agriculture Act of 1965 (7
 23 U.S.C. 1446a-1).

1 **~~“TITLE II—STATE PROGRAMS ON~~**
 2 **~~AGING~~**

3 **~~“Subtitle A—General Provisions~~**

4 **~~“SEC. 201. ELIGIBILITY OF STATES.~~**

5 ~~“(a) ELIGIBILITY OF STATES.—For a State to be eli-~~
 6 ~~gible to receive funds allotted under subsection (a) or (c)~~
 7 ~~of section 121, or assistance available under section 123~~
 8 ~~or 231—~~

9 ~~“(1) the State shall, in accordance with rules is-~~
 10 ~~sued by the Secretary, designate a State agency as~~
 11 ~~the sole State agency to—~~

12 ~~“(A) develop a State plan to be submitted~~
 13 ~~to the Assistant Secretary for approval under~~
 14 ~~section 202;~~

15 ~~“(B) administer the State plan within the~~
 16 ~~State;~~

17 ~~“(C) be responsible for the planning, policy~~
 18 ~~development, administration, coordination, pri-~~
 19 ~~ority setting, and evaluation of all activities~~
 20 ~~specified in the State plan and related to carry-~~
 21 ~~ing out subtitles B and C, and subtitles B and~~
 22 ~~C of title III;~~

23 ~~“(D) serve as an effective and visible advo-~~
 24 ~~cate for older individuals by reviewing and com-~~
 25 ~~menting on all State plans, budgets, and poli-~~

1 cies that affect older individuals; and provide
 2 technical assistance to any agency, organiza-
 3 tion, or association representing the needs of
 4 older individuals; and

5 “(E) except as provided in subsection (c)—

6 “(i) divide the State into distinct
 7 planning and service areas; after consider-
 8 ing—

9 “(I) the geographical distribution
 10 of older individuals in the State;

11 “(II) the incidence of the need
 12 for supportive services (including serv-
 13 ices to support multipurpose senior
 14 centers) and nutrition services;

15 “(III) the distribution of older in-
 16 dividuals who have the greatest eco-
 17 nomic need or the greatest social
 18 need;

19 “(IV) the distribution of re-
 20 sources available to provide the serv-
 21 ices and centers described in sub-
 22 clause (II);

23 “(V) the boundaries of existing
 24 (as of the date of the division) plan-

1 ning and service areas within the
2 State;

3 ~~“(VI) the characteristics of the~~
4 local government within the State;
5 and

6 ~~“(VII) other relevant factors; or~~

7 ~~“(ii) designate the entire State as a~~
8 single planning and service area; and

9 ~~“(2) the State agency shall—~~

10 ~~“(A) designate an area agency on aging for~~
11 each planning and service area;

12 ~~“(B) take into account in the development~~
13 and administration of the State plan for any
14 fiscal year; the views of—

15 ~~“(i) recipients of services through the~~
16 State long-term care ombudsman program;
17 community service employment; supportive
18 services; or nutrition services; as the case
19 may be; provided under such plan; and

20 ~~“(ii) individuals using multipurpose~~
21 senior centers provided under such plan;

22 ~~“(C) after consultation with area agencies~~
23 on aging and using the best available data, de-
24 velop and publish for review and comment a
25 formula for distribution within the State of

1 funds received to carry out subtitles B and C
 2 of title III that takes into account—

3 “(i) the geographical distribution of
 4 older individuals in the State; and

5 “(ii) the distribution among planning
 6 and service areas of older individuals with
 7 greatest economic need and older individ-
 8 uals with greatest social need; and

9 “(D) provide an assurance that the State
 10 will give preference, in providing services under
 11 subtitles B and C, and subtitles B and C of
 12 title III, to older individuals with greatest eco-
 13 nomic need and older individuals with greatest
 14 social need, with particular attention to low-in-
 15 come minority individuals, and include in the
 16 State plan proposed methods of carrying out
 17 the preference.

18 “(b) DUE PROCESS.—

19 “(1) IN GENERAL.—A State agency shall estab-
 20 lish and publish, after consultation with area agen-
 21 cies on aging, procedures that the State agency shall
 22 follow to provide due process to affected parties if
 23 the State agency initiates an action or proceeding to
 24 change the designation of any designated planning

1 and service area or of any designated area agency
 2 on aging.

3 ~~“(2) PROCEDURES.—At a minimum, such pro-~~
 4 ~~cedures shall include procedures for—~~

5 ~~“(A) providing notice of an action to~~
 6 ~~change the designation of a designated planning~~
 7 ~~and service area or of a designated area agency~~
 8 ~~on aging;~~

9 ~~“(B) providing documentation of the need~~
 10 ~~for such action; and~~

11 ~~“(C) at the request of the area agency on~~
 12 ~~aging; conducting a public hearing concerning~~
 13 ~~such action.~~

14 ~~“(e) GRANDFATHER PROVISION.—A State that on or~~
 15 ~~before October 1, 1980, had designated, with the approval~~
 16 ~~of the Commissioner on Aging, a single planning and serv-~~
 17 ~~ice area covering all of the older individuals in the State,~~
 18 ~~in which the State agency was administering the area~~
 19 ~~plan, may after such date designate 1 or more additional~~
 20 ~~planning and service areas within the State to be adminis-~~
 21 ~~tered by public or nonprofit private agencies, organiza-~~
 22 ~~tions, or institutions as area agencies on aging. The State~~
 23 ~~agency shall continue to perform the functions of an area~~
 24 ~~agency on aging for any area of the State not included~~

1 in a planning and service area for which an area agency
2 on aging has been designated.

3 “(d) INTERSTATE PLANNING AND SERVICE
4 AREAS.—The chief executive officer of each State that
5 contains a region of an interstate geographic area or of
6 an interstate Indian reservation, may apply to the Assist-
7 ant Secretary to request redesignation of the geographic
8 area or reservation as an interstate planning and service
9 area. If the Assistant Secretary approves the application,
10 the Assistant Secretary shall adjust the allotment of each
11 State containing a region of the interstate planning and
12 service area, to reflect the number of older individuals
13 within the region.

14 “(e) NONDESIGNATION OF INDIAN RESERVATIONS.—
15 If a State declines to designate an Indian reservation as
16 a planning and service area, the Indian tribe residing on
17 the reservation may appeal the decision of the State to
18 the Assistant Secretary. The Assistant Secretary may
19 order the State to designate the Indian reservation as a
20 planning and service area as a condition of receiving fund-
21 ing under this Act.

22 **“SEC. 202. STATE PLANS.**

23 “(a) PLAN.—Each State, in order to be eligible for
24 grants from the allotment made for the State under sub-
25 section (a), (b), or (c) of section 121, or assistance avail-

1 able under section 123 or 231, for any fiscal year, shall
 2 prepare and submit to the Assistant Secretary a State
 3 plan, which incorporates input from area agencies on
 4 aging in the State, for a 2-, 3-, or 4-year period deter-
 5 mined by the State agency, with such annual revisions as
 6 are necessary. Each such plan shall comply with all of the
 7 following requirements:

8 “(1) UNIFORM AREA PLAN FORMAT.—The plan
 9 shall contain assurances that the State plan will be
 10 based on area plans developed by area agencies on
 11 aging within the State and that the State will pre-
 12 pare and distribute a uniform format for use by area
 13 agencies on aging in developing area plans under
 14 section 302.

15 “(2) APPROVAL OF AREA PLAN.—The plan
 16 shall provide that each such area agency on aging
 17 will prepare, develop, and submit to the State agen-
 18 cy for approval an area plan that complies with sec-
 19 tion 302.

20 “(3) HEARINGS.—The plan shall provide that
 21 the State agency will establish a grievance procedure
 22 that will afford an opportunity for a hearing on re-
 23 quest to any area agency on aging submitting a plan
 24 under section 302, to any provider of a service under
 25 such a plan, or to any applicant to provide a service

1 under such a plan. The State agency shall establish
 2 and publish the procedures for requesting and con-
 3 ducting such hearing.

4 “(4) FISCAL CONTROL AND FUND ACCOUNTING;
 5 CONFLICTS OF INTEREST.—

6 “(A) FISCAL CONTROL AND FUND AC-
 7 COUNTING PROCEDURES.—The plan shall pro-
 8 vide a satisfactory assurance that the State will
 9 adopt such fiscal control and fund accounting
 10 procedures as may be necessary to assure prop-
 11 er disbursement of, and accounting for, funds
 12 made available through allotments made under
 13 subsections (a), (b), and (c) of section 121, and
 14 assistance made available under section 123 or
 15 231, to the State, including any such funds
 16 paid to the recipients of a grant or contract
 17 with the State.

18 “(B) CONFLICTS OF INTEREST.—The plan
 19 shall provide assurances that—

20 “(i) no individual (appointed or other-
 21 wise) involved in the designation of the
 22 State agency or an area agency on aging
 23 in the State, or in the designation of the
 24 head of the State agency, such an area
 25 agency on aging, or any subdivision of the

1 State agency or of such an area agency on
2 aging, is subject to a conflict of interest
3 prohibited under this Act;

4 “(ii) no officer, employee, or other
5 representative of the State agency or an
6 area agency on aging in the State is sub-
7 ject to a conflict of interest prohibited
8 under this Act; and

9 “(iii) mechanisms are in place to iden-
10 tify and remove conflicts of interest prohib-
11 ited under this Act.

12 “(C) INTEGRITY; PUBLIC PURPOSE; EN-
13 HANCEMENT.—The plan shall provide assur-
14 ances that the State agency and each area
15 agency on aging in the State will—

16 “(i) maintain the integrity and public
17 purpose of service providers utilized, and
18 services provided, under the State plan in
19 all contractual and commercial relation-
20 ships; and

21 “(ii) demonstrate that the quantity or
22 quality of the services to be provided under
23 the State plan will be enhanced as a result
24 of such contract or such relationship.

1 ~~“(5) INFORMATION AND ASSISTANCE SERV-~~
 2 ~~ICES.—~~

3 ~~“(A) IN GENERAL.—~~It shall be a primary
 4 responsibility of the State agency to ensure that
 5 the plan provides for establishing and maintain-
 6 ing information and assistance services in suffi-
 7 cient numbers to ensure, to the maximum ex-
 8 tent practicable, that all older individuals in the
 9 State who are not furnished adequate informa-
 10 tion and assistance services under section
 11 302(a)(3) will have reasonably convenient ac-
 12 cess to such services.

13 ~~“(B) INSURANCE BENEFITS AND PUBLIC~~
 14 ~~BENEFITS.—~~The plan shall contain an assur-
 15 ance that each area agency on aging in the
 16 State, in providing information and assistance
 17 services—

18 ~~“(i) will carry out a program for pro-~~
 19 vision of outreach, counseling, and assist-
 20 ance to aid older individuals in obtaining
 21 insurance benefits and public benefits; and

22 ~~“(ii) will expend, to carry out the pro-~~
 23 gram, a specific percentage, stated in the
 24 State plan, of the agency’s share of funds

1 made available under section 122(d) and
2 allotted to the State under section 121(e).

3 ~~“(6) LIMITATIONS.—~~

4 ~~“(A) PROHIBITION ON DIRECT PROVISION~~
5 ~~OF SERVICES.—Except as provided in subpara-~~
6 ~~graphs (B) and (C) and section 302(e)(3), the~~
7 ~~plan shall provide that no supportive services or~~
8 ~~nutrition services, including home-delivered~~
9 ~~services, will be directly provided by the State~~
10 ~~agency or an area agency on aging.~~

11 ~~“(B) ADMINISTRATIVE EXCEPTIONS.—~~
12 ~~Subparagraph (A) shall not apply when, in the~~
13 ~~judgment of the State agency—~~

14 ~~“(i) provision of services described in~~
15 ~~subparagraph (A) by the State agency or~~
16 ~~an area agency on aging is necessary to~~
17 ~~ensure an adequate supply of such services;~~

18 ~~“(ii) such services are directly related~~
19 ~~to the administrative functions of the State~~
20 ~~agency or area agency on aging; or~~

21 ~~“(iii) such services of comparable~~
22 ~~quality can be provided more economically~~
23 ~~by the State agency or area agency on~~
24 ~~aging.~~

1 ~~“(C) EXCEPTION FOR CERTAIN SERV-~~
 2 ~~ICES.—Subparagraph (A) shall not apply with~~
 3 ~~respect to information and assistance services;~~
 4 ~~case management services; and outreach.~~

5 ~~“(7) STATE LONG-TERM CARE OMBUDSMAN~~
 6 ~~PROGRAM.—The plan shall provide assurances that~~
 7 ~~the State agency will carry out a State long-term~~
 8 ~~care ombudsman program that complies with all the~~
 9 ~~requirements specified in subtitle B.~~

10 ~~“(8) LEGAL ASSISTANCE.—The plan shall con-~~
 11 ~~tain assurances, with respect to legal assistance;~~
 12 ~~that each area agency on aging in the State will—~~

13 ~~“(A) expend, for the delivery of legal as-~~
 14 ~~sistance, a specific percentage, stated in the~~
 15 ~~State plan, of the agency’s share of funds made~~
 16 ~~available under section 122(d) and allotted to~~
 17 ~~the State under section 121(e); and~~

18 ~~“(B)(i) enter into contracts with providers~~
 19 ~~of legal assistance that can demonstrate the ex-~~
 20 ~~perience or capacity to deliver legal assistance;~~
 21 ~~and~~

22 ~~“(ii) attempt to involve private attorneys in~~
 23 ~~legal assistance activities authorized under sub-~~
 24 ~~title B of title III, including groups among pri-~~
 25 ~~vate attorneys who are furnishing services to~~

1 older individuals on a pro bono basis or on a re-
 2 duced fee basis.

3 ~~“(9) PREVENTION OF ELDER ABUSE, NEGLECT,~~
 4 ~~AND EXPLOITATION.—~~Whenever the State desires to
 5 provide for programs for the prevention of elder
 6 abuse, neglect, and exploitation for a fiscal year, the
 7 plan shall—

8 ~~“(A) contain an assurance that each area~~
 9 ~~agency on aging in the State will expend, to~~
 10 ~~carry out a program for the prevention of elder~~
 11 ~~abuse, neglect, and exploitation, a specific per-~~
 12 ~~centage, stated in the State plan, of the agen-~~
 13 ~~cy’s share of funds made available under sec-~~
 14 ~~tion 122(d) and allotted to the State under sec-~~
 15 ~~tion 121(e);~~

16 ~~“(B) contain an assurance that the State~~
 17 ~~has in effect laws relating to elder abuse, ne-~~
 18 ~~glect, and exploitation that include provisions~~
 19 ~~for immunity for persons who report instances~~
 20 ~~of elder abuse, neglect, and exploitation, from~~
 21 ~~prosecution under any State or local law arising~~
 22 ~~out of such reporting;~~

23 ~~“(C) contain an assurance that individuals~~
 24 ~~who provide services to prevent elder abuse, ne-~~

1 glect, and exploitation are trained to effectively
2 deal with such reported instances;

3 “(D) contain an assurance that involuntary
4 or coerced participation in such program by al-
5 leged victims, alleged abusers, or members of
6 the households of alleged victims or alleged
7 abusers will not be permitted;

8 “(E) contain an assurance that the State
9 requires that all information gathered in the
10 course of receiving reports on instances of, and
11 of making referrals relating to, elder abuse, ne-
12 glect, and exploitation remain confidential ex-
13 cept—

14 “(i) if all parties to the complaint that
15 is the subject of the report or referral con-
16 sent in writing to the release of such infor-
17 mation;

18 “(ii) if the release of such information
19 is to a law enforcement agency, public pro-
20 tective service agency, licensing or certifi-
21 cation agency, ombudsman program, or
22 protection or advocacy system; or

23 “(iii) upon court order;

24 “(F) contain an assurance that the State
25 agency will make all reasonable efforts to re-

1 solve any conflicts with other public agencies
 2 with respect to confidentiality of the informa-
 3 tion described in subparagraph (E);

4 “(G) contain an assurance that the State
 5 agency will coordinate the State programs for
 6 the prevention of elder abuse, neglect, and ex-
 7 ploitation with—

8 “(i) law enforcement officials;

9 “(ii) courts of competent jurisdiction;

10 and

11 “(iii) entities carrying out other rel-
 12 evant State and local programs, includ-
 13 ing—

14 “(I) area agencies on aging; and

15 “(H) agencies that, collectively,

16 administer adult protective services;

17 medicaid fraud and abuse services (in-

18 cluding services provided by a State

19 medicaid fraud control unit, as de-

20 fined in section 1903(q) of the Social

21 Security Act (42 U.S.C. 1396b(q));

22 and victim assistance programs; and

23 State agencies responsible for surveys

24 and certification under section

1 1919(g) of the Social Security Act (42
2 U.S.C. 1396r(g));

3 “(H) contain an assurance that older indi-
4 viduals participate in decisions under the pro-
5 gram regarding their welfare; and

6 “(I) specify other activities that the State
7 agency determines to be beneficial in the pre-
8 vention of elder abuse, neglect, and exploitation
9 and intends to carry out under such program.

10 “(10) OUTREACH.—The plan shall provide as-
11 surances that the State agency will require outreach
12 efforts that will—

13 “(A) identify individuals eligible for assist-
14 ance under subtitle B or C, or under subtitle B
15 or C of title III, with special emphasis on—

16 “(i) older individuals residing in rural
17 areas;

18 “(ii) older individuals with greatest
19 economic need;

20 “(iii) older individuals with greatest
21 social need, with particular attention to
22 low-income minority individuals;

23 “(iv) older individuals with severe dis-
24 abilities;

1 “(v) older individuals with limited
2 English-speaking ability;

3 “(vi) older individuals with Alz-
4 heimer’s disease or related disorders and
5 with neurological or organic brain dysfunc-
6 tion (and the caretakers of such individ-
7 uals); and

8 “(vii) low-income minority older indi-
9 viduals; and

10 “(B) inform the older individuals referred
11 to in clauses (i) through (vii) of subparagraph
12 (A); and the caretakers of such individuals; of
13 the availability of such assistance.

14 “(11) INDIVIDUALS WITH DISABILITIES.—The
15 plan shall provide, with respect to the needs of indi-
16 viduals with disabilities; assurances that the State
17 agency will coordinate planning, identification, as-
18 sessment of needs; and services for individuals with
19 disabilities (with particular attention to individuals
20 with severe disabilities) with the State agencies with
21 primary responsibility for individuals with disabili-
22 ties (including severe disabilities).

23 “(12) COORDINATION OF COMMUNITY-BASED
24 LONG-TERM CARE SERVICES.—The plan shall pro-
25 vide assurances that area agencies on aging will con-

1 duct efforts to facilitate the coordination of commu-
 2 nity-based long-term care services, pursuant to sec-
 3 tion ~~302(a)(5)(G)~~, for older individuals who—

4 “(A) reside at home and are at risk of in-
 5 stitutionalization because of limitations on their
 6 ability to function independently;

7 “(B) are patients in hospitals and are at
 8 risk of prolonged institutionalization; or

9 “(C) are patients in long-term care facili-
 10 ties, but who can return to their homes if com-
 11 munity-based services are provided to the indi-
 12 viduals.

13 ~~“(13) PROHIBITION ON MISUSE OF FUNDS.—~~

14 The plan shall provide assurances that funds re-
 15 ceived from allotments made under subsections (a),
 16 (b), and (c) of section ~~121~~, and assistance made
 17 available under section ~~123~~ or ~~231~~, will not be used
 18 to pay any part of a cost (including an administra-
 19 tive cost) incurred by the State or an area agency
 20 on aging to carry out a contract or commercial ar-
 21 rangement that is not carried out to implement sub-
 22 title B or C, or subtitle B or C of title III.

23 ~~“(14) COORDINATION OF SERVICES; PROVISION~~
 24 ~~OF MULTIGENERATIONAL SERVICES.—~~The plan shall

1 provide assurances that the State will make demon-
2 strable efforts—

3 “(A) to coordinate services provided under
4 subtitles B and C, and subtitles B and C of
5 title III, with other State services that benefit
6 older individuals; and

7 “(B) to provide multigenerational activi-
8 ties, such as opportunities for older individuals
9 to serve as mentors or advisers in programs
10 that, collectively, provide child care, youth day
11 care, educational assistance, at-risk youth inter-
12 vention, juvenile delinquency treatment, and
13 family support.

14 “(15) QUALITY ASSURANCE.—The plan shall
15 include assurances that the State has in effect a
16 mechanism to provide for quality in the provision of
17 services under subtitles B and C, and subtitles B
18 and C of title III.

19 “(16) COST SHARING.—If the State, after con-
20 sultation with area agencies on aging and service
21 providers, elects to require cost sharing by recipients
22 of services under the State plan (or to require or
23 permit area agencies on aging to require cost shar-
24 ing by recipients of services under area plans), the
25 plan shall—

1 “(A) provide that no cost sharing shall be
 2 required for information and assistance serv-
 3 ices, outreach, benefits counseling, case man-
 4 agement services, or ombudsman or other pro-
 5 tective services;

6 “(B) exempt from cost-sharing require-
 7 ments low-income individuals, or individuals
 8 with incomes below a reasonable low-income
 9 threshold set by the State;

10 “(C) set cost-sharing rates for individuals
 11 subject to the requirements on a sliding-fee
 12 scale based on income;

13 “(D) provide that the income of older indi-
 14 viduals will be determined by self-declaration;

15 “(E) provide that the confidentiality of in-
 16 dividual information related to such cost shar-
 17 ing will be maintained at all times; and

18 “(F) provide that no older individual will
 19 be denied a service under the plan because of
 20 inability to pay.

21 “(17) SOLICITATION OF VOLUNTARY CONTRIBU-
 22 TIONS.—The plan shall provide that the State will
 23 permit area agencies on aging to permit service pro-
 24 viders to solicit, for services provided under the plan,
 25 voluntary contributions—

1 ~~“(A) in amounts that are based on the~~
 2 ~~ability of older individuals to make such con-~~
 3 ~~tributions; and~~

4 ~~“(B) that will be used to increase, or ex-~~
 5 ~~pand access to, services provided under the~~
 6 ~~plan.~~

7 ~~“(b) APPROVAL OF STATE PLAN.—The Assistant~~
 8 ~~Secretary shall approve any State plan that fulfills the re-~~
 9 ~~quirements of subsection (a).~~

10 ~~“(c) DISAPPROVAL OF STATE PLAN.—~~

11 ~~“(1) DETERMINATION FOLLOWING DUE PROC-~~
 12 ~~ESS.—The Assistant Secretary shall not make a~~
 13 ~~final determination disapproving any State plan, or~~
 14 ~~any revision of a State plan, or make a final deter-~~
 15 ~~mination that a State is ineligible under section 201,~~
 16 ~~without first affording the State reasonable notice~~
 17 ~~and an opportunity for a hearing.~~

18 ~~“(2) WITHHOLDING OF ASSISTANCE.—~~

19 ~~“(A) IN GENERAL.—If the Assistant Sec-~~
 20 ~~retary makes a determination, in accordance~~
 21 ~~with paragraph (1), disapproving a State plan,~~
 22 ~~the Assistant Secretary shall withhold from the~~
 23 ~~State assistance allotted under subsections (a),~~
 24 ~~(b), and (c) of section 121, and assistance avail-~~

able under section 123 or 231, for the fiscal year for which such plan is submitted.

~~“(B) DISBURSAL.—~~

~~“(i) ENTITY.—The Assistant Secretary shall disburse the assistance withheld under subparagraph (A) directly to a public or nonprofit private agency, organization, or institution, or political subdivision of the State, that submits and obtains approval of a plan described in clause (ii).~~

~~“(ii) PLAN.—The plan referred to in clause (i) shall be submitted and approved in accordance with this section.~~

~~“(iii) AUTHORITIES AND REQUIREMENTS.—The Secretary shall issue regulations specifying authorities and requirements applicable to States under this Act, including the limitation specified in section 121(c)(2), that shall apply with respect to the use of such funds by the agency, organization, institution, or political subdivision that receives such funds.~~

~~“(3) REVIEW BY SECRETARY.—Not later than 30 days after such final determination, a State dissatisfied with such final determination may appeal~~

1 such final determination to the Secretary for review.
 2 If the State appeals such final determination in a
 3 timely manner in accordance with subsection (c)(1),
 4 the Secretary shall dismiss the appeal filed under
 5 this paragraph.

6 ~~“(4) APPELLATE REVIEW OF DECISION BY SEC-~~
 7 ~~RETARY.—~~

8 ~~“(A) IN GENERAL.—If the State is dissat-~~
 9 ~~isfied with the decision of the Secretary after~~
 10 ~~review under paragraph (3), the State may ap-~~
 11 ~~peal such decision in a timely manner in ac-~~
 12 ~~cordance with subsection (c)(1).~~

13 ~~“(B) CONSTRUCTION.—For purposes of~~
 14 ~~appellate review under subparagraph (A), a ref-~~
 15 ~~erence in subsection (c) to the Assistant Sec-~~
 16 ~~retary shall be deemed to be a reference to the~~
 17 ~~Secretary.~~

18 ~~“(d) NOTIFICATION OF STATE OF INELIGIBILITY OR~~
 19 ~~NONCOMPLIANCE.—~~

20 ~~“(1) IN GENERAL.—~~

21 ~~“(A) FINDING.—The Assistant Secretary~~
 22 ~~shall make the notification described in sub-~~
 23 ~~paragraph (B) if the Assistant Secretary, after~~
 24 ~~providing reasonable notice and an opportunity~~
 25 ~~for a hearing to the State agency, finds that—~~

1 “(i) the State is not eligible under sec-
2 tion 201;

3 “(ii) the State plan has been so re-
4 vised that the plan no longer complies sub-
5 stantially with any provision of subsection
6 (a); or

7 “(iii) in the administration of the plan
8 there is a failure to comply substantially
9 with any provision of subsection (a).

10 “(B) NOTIFICATION.—

11 “(i) IN GENERAL.—On making the
12 finding described in subparagraph (A), the
13 Assistant Secretary shall notify the State
14 agency that no further assistance will be
15 provided to the State from the allotment of
16 the State under subsection (a), (b), or (c)
17 of section 121, or under section 123 or
18 231, as appropriate (or, in the discretion
19 of the Assistant Secretary, that further as-
20 sistance to the State under such subsection
21 or section will be limited to projects under
22 the State plan that are not affected by the
23 noncompliance that is the basis for the
24 finding); until the Assistant Secretary is

1 satisfied that there will no longer be any
2 ineligibility or failure to comply.

3 ~~“(ii) WITHHOLDING OF ASSIST-~~
4 ~~ANCE.—~~Until the Assistant Secretary is so
5 satisfied, no further assistance shall be
6 provided to the State from the allotment of
7 the State under subsection (a), (b), or (c)
8 of section 121, or under section 123 or
9 231, as appropriate (or, in the discretion
10 of the Assistant Secretary, further assist-
11 ance to the State under such subsection or
12 section shall be limited to projects de-
13 scribed in clause (i) and the remainder of
14 the assistance available for allotment to
15 the State under such subsection or avail-
16 able to the State under such section shall
17 be withheld).

18 ~~“(2) USE OF WITHHELD ASSISTANCE.—~~

19 ~~“(A) ELIGIBLE ORGANIZATIONS.—~~The As-
20 sistant Secretary shall, in accordance with rules
21 the Secretary shall issue, disburse the assist-
22 ance withheld under paragraph (1)(B)(ii) di-
23 rectly to a public or nonprofit private agency,
24 organization, or institution, or political subdivi-
25 sion of the State, that submits and obtains ap-

1 proval of a plan in accordance with the provi-
2 sions of this section.

3 ~~“(B) AUTHORITIES AND REQUIRE-~~
4 ~~MENTS.—~~The Secretary shall issue regulations
5 specifying authorities and requirements applica-
6 ble to States under this Act, including the limi-
7 tation specified in section 121(c)(2), that shall
8 apply with respect to the use of such funds by
9 the agency, organization, institution, or political
10 subdivision that receives such funds.

11 ~~“(e) APPEAL.—~~

12 ~~“(1) IN GENERAL.—~~A State that is dissatisfied
13 with a final action of the Assistant Secretary under
14 subsection (c) or (d) may appeal to the United
15 States court of appeals for the circuit in which the
16 State is located, by filing a petition with such court
17 within 30 days after such final action. A copy of the
18 petition shall be transmitted by the clerk of the
19 court to the Assistant Secretary, or any officer des-
20 ignated by the Assistant Secretary for such purpose.
21 The Assistant Secretary shall file in the court the
22 record of the proceedings on which the action of the
23 Assistant Secretary is based, as provided in section
24 2112 of title 28, United States Code.

25 ~~“(2) PROCEDURE.—~~

1 “(A) JURISDICTION.—

2 “(i) IN GENERAL.—Except as pro-
3 vided in clause (ii), on the filing of such
4 petition, the court shall have jurisdiction to
5 affirm the order issued by the Assistant
6 Secretary with respect to the action or to
7 set the order aside, in whole or in part,
8 temporarily or permanently.

9 “(ii) ACTION OF ASSISTANT SEC-
10 RETARY.—Until the filing of the record,
11 the Assistant Secretary may modify or set
12 aside the order of the Assistant Secretary.

13 “(B) EVIDENCE.—The findings of the As-
14 sistant Secretary as to the facts, if supported
15 by substantial evidence, shall be conclusive, but
16 the court for good cause shown may remand the
17 case to the Assistant Secretary to take further
18 evidence, and the Assistant Secretary shall,
19 within 30 days, file in the court the record of
20 the proceedings to obtain such further evidence.
21 The new or modified findings of fact resulting
22 from the proceedings shall likewise be conclu-
23 sive if supported by substantial evidence.

24 “(C) REVIEW.—The judgment of the court
25 affirming or setting aside, in whole or in part,

1 any action of the Assistant Secretary shall be
 2 final, subject to review by the Supreme Court
 3 of the United States on certiorari or certifi-
 4 cation as provided in section 1254 of title 28,
 5 United States Code.

6 ~~“(3) NO STAY.—~~The commencement of pro-
 7 ceedings under this subsection shall not operate as
 8 a stay of the action of the Assistant Secretary, un-
 9 less such a stay is specifically ordered by the court.

10 ~~“(f) PRESERVATION OF ATTORNEY-CLIENT PRIVI-~~
 11 ~~LEGE.—~~Neither a State, nor a State agency, may require
 12 any provider of legal assistance under subtitle B of title
 13 III to reveal any information that is protected by the at-
 14 torney-client privilege.

15 **“SEC. 203. PLANNING, COORDINATION, EVALUATION, AND**
 16 **ADMINISTRATION OF STATE PLANS.**

17 ~~“(a) GRANTS FOR STATE ACTIVITIES.—~~

18 ~~“(1) COST OF ADMINISTRATION OF STATE~~
 19 ~~PLAN.—~~Amounts available to a State under para-
 20 graph (1) or (2) of section 121(d) may be used to
 21 make a grant to the State to pay such percentage
 22 as the State agency determines, but not more than
 23 85 percent, of the cost of the administration of the
 24 State plan of the State, including—

25 ~~“(A) the preparation of the State plan;~~

1 “(B) the evaluation of activities carried out
2 under such plan;

3 “(C) the collection of data and the carry-
4 ing out of analyses related to the need for sup-
5 portive services (including services to support
6 multipurpose senior centers); and nutrition
7 services (taking into consideration the compara-
8 tive need for home-delivered nutrition services,
9 congregate nutrition services, and adult day
10 care nutrition services); within the State, and
11 dissemination of information obtained through
12 the data collection and analyses;

13 “(D) the provision of short-term training
14 to personnel of public or nonprofit private agen-
15 cies, organizations, and institutions engaged in
16 the operation of programs, projects, and activi-
17 ties authorized by subtitle B, and subtitles B
18 and C of title III; and

19 “(E) the carrying out of demonstration
20 projects of statewide significance relating to the
21 initiation, expansion, or improvement of services
22 and activities provided under subtitle B, and
23 subtitles B and C of title III.

24 “(2) COST OF ADMINISTRATION OF AREA
25 PLANS.—Any assistance available to a State under

1 section 121(d)(1) for part of the cost of the adminis-
 2 tration of the State plan of the State that the State
 3 determines are not needed for such administration
 4 may be used by the State to supplement the amount
 5 available under section 121(d)(3) to cover part of
 6 the cost of the administration of area plans.

7 ~~“(3) USE OF FUNDS NOT NEEDED FOR ADMIN-~~
 8 ~~ISTRATION OF STATE PLAN.—~~The portion of the as-
 9 sistance made available under section 121(d)(1) to a
 10 State for any fiscal year, that the State determines
 11 will not be required by the State for such year for
 12 the purposes described in paragraph (1), shall be
 13 available to the State to provide services under sub-
 14 title B, or subtitle B or C of title III, in the State.

15 ~~“(4) SINGLE PLANNING AND SERVICE AREAS.—~~
 16 Any State that is designated, under section
 17 201(a)(1)(E), as a single planning and service area
 18 covering all, or substantially all, of the older individ-
 19 uals in the State, as determined by the Assistant
 20 Secretary, may elect to pay part of the costs of the
 21 administration of State and area plans either out of
 22 the amount of funds available under paragraph (1)
 23 or (2) of section 121(d) or out of the amount of
 24 funds made available for the administration of area

1 plans under section 121(d)(3), but shall not pay
 2 such costs out of both such amounts.

3 ~~“(b) AUTHORITY TO TRANSFER FUNDS.—~~

4 ~~“(1) TRANSFERS.—~~

5 ~~“(A) IN GENERAL.—Notwithstanding any~~
 6 ~~other provision of this subtitle or title III and~~
 7 ~~except as provided in subparagraph (B), using~~
 8 ~~the sums received by a State attributable to~~
 9 ~~funds appropriated under subsection (d) or (e)~~
 10 ~~of section 122, as appropriate, the State (after~~
 11 ~~consultation with area agencies on aging and~~
 12 ~~with service providers) may elect to transfer not~~
 13 ~~more than 25 percent of such sums for any fis-~~
 14 ~~cal year between programs under subtitle B of~~
 15 ~~title III and programs under subtitle C of title~~
 16 ~~III, for use as the State considers appropriate.~~
 17 ~~The State shall notify the Assistant Secretary~~
 18 ~~of any such election.~~

19 ~~“(B) WAIVER.—If a State submits an ap-~~
 20 ~~plication to the Assistant Secretary in which the~~
 21 ~~State demonstrates, to the satisfaction of the~~
 22 ~~Assistant Secretary, that funds received by the~~
 23 ~~State and attributable to funds appropriated~~
 24 ~~under subsection (d) or (e) of section 122 (in-~~
 25 ~~cluding funds transferred under subparagraph~~

1 (A) without regard to this subparagraph) for
 2 any fiscal year are insufficient to satisfy the
 3 need for services under subtitle B or C of title
 4 III, as appropriate, the Assistant Secretary may
 5 grant a waiver that permits the State to trans-
 6 fer under subparagraph (A) to satisfy such
 7 need an additional 25 percent of the funds so
 8 received for such fiscal year.

9 “(C) APPLICATION.—At a minimum, the
 10 application described in subparagraph (B) shall
 11 include a description of the additional amount
 12 to be transferred, the purposes of the transfer,
 13 the need for the transfer, and the impact of the
 14 transfer on the provision of services from which
 15 the funding will be transferred. The Assistant
 16 Secretary shall approve or deny the application
 17 in writing.

18 “(2) DELEGATION OF AUTHORITY TO MAKE
 19 TRANSFERS.—After consultation with service provid-
 20 ers, a State agency may delegate to an area agency
 21 on aging or any other entity the authority to make
 22 a transfer under paragraph (1).

23 “(3) DATA COLLECTION.—The Assistant Sec-
 24 retary shall annually collect, and include in the re-

1 port required by section 113, data regarding the
2 transfers described in paragraph (1), including—

3 “(A) the amount of funds involved in the
4 transfers, analyzed by State; and

5 “(B) the effect of the transfers on the pro-
6 vision of services provided under—

7 “(i) subtitle B of title III; and

8 “(ii) subtitle C of title III, including
9 the effect on the number of meals served.

10 **~~“SEC. 204. PAYMENTS.~~**

11 “Payments provided through grants made, or con-
12 tracts entered into, under subtitle B, C, or D, or subtitle
13 B or C of title III, may be provided (after necessary ad-
14 justments resulting from previously made overpayments or
15 underpayments) in advance or by way of reimbursement,
16 and in such installments, as the Assistant Secretary may
17 determine to be appropriate.

18 **~~“Subtitle B—State Long-Term Care~~**
19 **~~Ombudsman Program~~**

20 **~~“SEC. 211. ESTABLISHMENT.~~**

21 “(a) ~~IN GENERAL.~~—With funds allotted under sec-
22 tion 121(a), the Assistant Secretary shall make grants to
23 eligible States to carry out long-term care ombudsman
24 programs.

1 “(b) OFFICE AND PROGRAM.—In order to be eligible
2 to receive a grant under subsection (a), a State shall—

3 “(1) establish and operate an Office of the
4 State Long-Term Care Ombudsman (referred to in
5 this subtitle as the ‘Office’); and

6 “(2) carry out through the Office a State long-
7 term care ombudsman program.

8 “(c) OMBUDSMAN.—The Office shall be headed by an
9 individual, to be known as the State Long-Term Care Om-
10 budsman (referred to in this subtitle as the ‘Ombuds-
11 man’), who shall be selected from among individuals with
12 expertise and experience in the fields of long-term care
13 and advocacy.

14 **“SEC. 212. REQUIREMENTS FOR STATE LONG-TERM CARE**
15 **OMBUDSMAN PROGRAM.**

16 “(a) DUTIES.—The Ombudsman shall serve on a full-
17 time basis, and shall, personally or through representa-
18 tives of the Office—

19 “(1) identify, investigate, and resolve com-
20 plaints that—

21 “(A) are made by, or on behalf of, older
22 individuals who are residents of long-term care
23 facilities (referred to individually in this section
24 as a ‘resident’); and

1 ~~“(B) relate to action, inaction, or deci-~~
2 ~~sions, that may adversely affect the health,~~
3 ~~safety, welfare, or rights of such residents (in-~~
4 ~~cluding the welfare and rights of such residents~~
5 ~~with respect to the appointment and activities~~
6 ~~of guardians and representative payees); by pro-~~
7 ~~viders (or representatives of providers) of long-~~
8 ~~term care services, public agencies, or health~~
9 ~~and social service agencies;~~

10 ~~“(2) provide services to assist such residents in~~
11 ~~protecting the health, safety, welfare, and rights of~~
12 ~~such residents;~~

13 ~~“(3) inform such residents about means of ob-~~
14 ~~taining services provided by providers or agencies~~
15 ~~described in paragraph (1)(B) or identification, in-~~
16 ~~vestigation, and resolution services described in~~
17 ~~paragraph (1);~~

18 ~~“(4) ensure that such residents have regular~~
19 ~~and timely access to the services provided through~~
20 ~~the State long-term care ombudsman program and~~
21 ~~that residents and complainants on behalf of resi-~~
22 ~~dents (referred to individually in this section as a~~
23 ~~‘complainant’) receive timely responses to their com-~~
24 ~~plaints from representatives of the State long-term~~

1 care ombudsman program (referred to individually
2 in this section as a ‘program representative’);

3 “(5) represent the interests of such residents
4 before governmental agencies and seek administra-
5 tive, legal, and other remedies to protect the health,
6 safety, welfare, and rights of the residents;

7 “(6) provide administrative and technical assist-
8 ance to entities designated under subsection (c) to
9 assist the entities in participating in the program;

10 “(7)(A) analyze, comment on, and monitor the
11 development and implementation of Federal, State,
12 and local laws, rules, and other government policies
13 and actions, that pertain to the health, safety, wel-
14 fare, and rights of the residents, with respect to the
15 adequacy of long-term care facilities and services in
16 the State; and

17 “(B) recommend such changes in such laws,
18 rules, policies, and actions as the Ombudsman deter-
19 mines to be appropriate;

20 “(8) provide for training for program represent-
21 atives of the Office;

22 “(9) collect information, as specified by the As-
23 sistant Secretary, on the total number of such resi-
24 dents in the State and the number of complaints de-
25 scribed in paragraph (1) received by the State, ana-

1 lyzed by type of facility (such as a nursing home or
2 board and care facility); and

3 “(10) carry out such other activities as the
4 State agency determines to be appropriate.

5 “(b) CONTRACTS AND ARRANGEMENTS.—

6 “(1) IN GENERAL.—Except as provided in para-
7 graph (2), the State agency may establish and oper-
8 ate the Office, and carry out the program, directly
9 or by contract or other arrangement with any public
10 or nonprofit private organization, agency, or institu-
11 tion.

12 “(2) INELIGIBLE ENTITIES.—The State agency
13 may not enter into a contract or other arrangement
14 described in paragraph (1) with—

15 “(A) an agency or organization that is re-
16 sponsible for licensing or certifying long-term
17 care services in the State; or

18 “(B) an association (or an affiliate of such
19 an association) of long-term care facilities, or of
20 any other residential facilities for older individ-
21 uals.

22 “(c) DESIGNATION OF LOCAL OMBUDSMAN ENTITIES
23 AND REPRESENTATIVES.—

24 “(1) DESIGNATION.—In carrying out the duties
25 specified in subsection (a), the Ombudsman may

1 designate an entity as a local Ombudsman entity;
 2 and may designate an individual (including an em-
 3 ployee or volunteer) to represent the entity.

4 “(2) ELIGIBILITY FOR DESIGNATION.—Entities
 5 eligible to be designated as local Ombudsman enti-
 6 ties; and individuals eligible to be designated as rep-
 7 resentatives of such entities; shall—

8 “(A) have demonstrated capability to carry
 9 out the responsibilities of the Office;

10 “(B) be free of conflicts of interest;

11 “(C) in the case of the entities; be public
 12 or nonprofit private entities; and

13 “(D) meet such additional requirements as
 14 the Ombudsman may specify.

15 “(3) AUTHORITIES OF LOCAL OMBUDSMAN.—
 16 An individual so designated may, in accordance with
 17 the policies and procedures established by the Office
 18 and the State agency—

19 “(A) provide services to protect the health;
 20 safety, welfare, and rights of residents;

21 “(B) ensure that residents in the planning
 22 and service area of the entity have regular;
 23 timely access to representatives of the State
 24 long-term care ombudsman program and timely

1 responses to complaints and requests for assist-
2 ance;

3 “(C) identify, investigate, and resolve com-
4 plaints made by or on behalf of such residents
5 that relate to action, inaction, or decisions, that
6 may adversely affect the health, safety, welfare,
7 or rights of such residents;

8 “(D) represent the interests of such resi-
9 dents before government agencies and seek ad-
10 ministrative, legal, and other remedies to pro-
11 tect the health, safety, welfare, and rights of
12 such residents;

13 “(E)(i) analyze, comment on, and monitor
14 the development and implementation of Fed-
15 eral, State, and local laws, rules, and other gov-
16 ernment policies and actions, that pertain to
17 the health, safety, welfare, and rights of the
18 residents, with respect to the adequacy of long-
19 term care facilities and services in the State;
20 and

21 (ii) recommend such changes in such laws,
22 rules, policies, and actions as the individual de-
23 termines to be appropriate;

1 “(F) facilitate the ability of the public to
2 comment on such laws, rules, policies, and ac-
3 tions;

4 “(G) support the development of resident
5 and family councils; and

6 “(H) carry out such other activities as the
7 Ombudsman determines to be appropriate.

8 “(4) MONITORING POLICIES AND PROCE-
9 DURES.—

10 “(A) IN GENERAL.—The State agency
11 shall establish, in accordance with the Office,
12 policies and procedures for monitoring local
13 Ombudsman entities designated to carry out
14 the duties specified in subsection (a) and their
15 representatives.

16 “(B) CONSULTATION AND COMMENT.—If
17 the entities are grant recipients, or the rep-
18 resentatives are employees, of area agencies on
19 aging, the State agency shall develop the poli-
20 cies and procedures after consultation with the
21 area agencies on aging. The policies and proce-
22 dures shall provide for participation and com-
23 ment by such agencies and for resolution of
24 concerns with respect to ease activity.

1 ~~“(C) CONFIDENTIALITY AND CONFLICT OF~~
 2 ~~INTEREST.—The State agency shall develop the~~
 3 ~~policies and procedures in accordance with all~~
 4 ~~provisions of subtitle A, this subtitle, and title~~
 5 ~~III regarding confidentiality and conflict of in-~~
 6 ~~terest.~~

7 ~~“(d) PROCEDURES FOR ACCESS.—The State shall en-~~
 8 ~~sure, and shall establish procedures that ensure, that a~~
 9 ~~program representative of the Office shall have—~~

10 ~~“(1) access to long-term care facilities and resi-~~
 11 ~~dents;~~

12 ~~“(2)(A) appropriate access to review the medi-~~
 13 ~~cal and social records of a resident, if the represent-~~
 14 ~~ative has the permission of the resident (or the legal~~
 15 ~~representative of the resident), or the resident is un-~~
 16 ~~able to consent to the review and has no legal rep-~~
 17 ~~resentative; or~~

18 ~~“(B) such access to such records as is nec-~~
 19 ~~essary to investigate a complaint if a legal guardian~~
 20 ~~of the resident refuses to give the permission, a pro-~~
 21 ~~gram representative of the Office has reasonable~~
 22 ~~cause to believe that the guardian is not acting in~~
 23 ~~the best interests of the resident, and the program~~
 24 ~~representative obtains the approval of the Ombuds-~~
 25 ~~man;~~

1 ~~“(3) access to the administrative records, poli-~~
 2 ~~cies, and documents, to which the residents have or~~
 3 ~~the general public has access, of long-term care fa-~~
 4 ~~cilities; and~~

5 ~~“(4) access to and, on request, copies of all li-~~
 6 ~~censing and certification records maintained by the~~
 7 ~~State with respect to long-term care facilities.~~

8 ~~“(e) DATA COLLECTION AND REPORTING.—The~~
 9 ~~State agency shall—~~

10 ~~“(1) collect and analyze data relating to com-~~
 11 ~~plaints and conditions in long-term care facilities~~
 12 ~~and to residents, for the purpose of identifying and~~
 13 ~~resolving significant problems;~~

14 ~~“(2) document the program operations and out-~~
 15 ~~reach activities of the State long-term care ombuds-~~
 16 ~~man program; and~~

17 ~~“(3) submit to the Assistant Secretary and~~
 18 ~~other State agencies, and make available to the pub-~~
 19 ~~lic, annual reports containing the data and docu-~~
 20 ~~mentation specified in paragraphs (1) and (2).~~

21 ~~“(f) DISCLOSURE.—~~

22 ~~“(1) ESTABLISHMENT OF PROCEDURES.—The~~
 23 ~~State agency shall establish procedures for the dis-~~
 24 ~~closure by the Ombudsman or local Ombudsman en-~~
 25 ~~tities of files maintained by the State long-term care~~

1 ombudsman program, including records, policies,
 2 documents, and data described in subsections (d)
 3 and (e).

4 “(2) DISCLOSURE ONLY AT DISCRETION OF OM-
 5 BUDSMAN.—The procedures described in paragraph
 6 (1) shall provide that, subject to paragraph (3), the
 7 files described in paragraph (1) may be disclosed
 8 only at the discretion of the Ombudsman.

9 “(3) NONDISCLOSURE OF IDENTITY.—The pro-
 10 cedures described in paragraph (1) shall prohibit the
 11 disclosure of the identity of any complainant, or resi-
 12 dent of a long-term care facility, with respect to
 13 whom the Office maintains such files unless—

14 “(A) the complainant or resident, or the
 15 legal representative of the complainant or resi-
 16 dent, consents to the disclosure and the consent
 17 is given in writing;

18 “(B) the complainant or resident gives
 19 consent orally and the consent is documented
 20 contemporaneously in writing made by a pro-
 21 gram representative of the Office in accordance
 22 with such requirements as the State agency
 23 shall establish; or

24 “(C) the disclosure is required by court
 25 order.

1 “(g) CONSULTATION.—In planning and operating the
 2 State long-term care ombudsman program, the State
 3 agency shall consider the views of area agencies on aging,
 4 older individuals, and providers of long-term care.

5 “(h) CONFLICT OF INTEREST.—The State agency
 6 shall—

7 “(1) ensure that no individual, or member of
 8 the immediate family of an individual, involved in
 9 the designation of the Ombudsman (whether by ap-
 10 pointment or otherwise) or the designation of an en-
 11 tity designated under subsection (c), is subject to a
 12 conflict of interest;

13 “(2) ensure that no officer or employee of the
 14 Office, representative of a local Ombudsman entity,
 15 or member of the immediate family of the officer,
 16 employee, or representative, is subject to a conflict
 17 of interest;

18 “(3) ensure that the Ombudsman—

19 “(A) does not have a direct involvement in
 20 the licensing or certification of a long-term care
 21 facility or of a provider of a long-term care
 22 service;

23 “(B) does not have an ownership or invest-
 24 ment interest (represented by equity, debt, or

1 other financial relationship) in a long-term care
 2 facility or a long-term care service;

3 “(C) is not employed by, or participating
 4 in the management of, a long-term care facility;
 5 and

6 “(D) does not receive, or have the right to
 7 receive, directly or indirectly, remuneration (in
 8 cash or in kind) under a compensation arrange-
 9 ment with an owner or operator of a long-term
 10 care facility; and

11 “(4) establish, and specify in writing, mecha-
 12 nisms to identify and remove conflicts of interest re-
 13 ferred to in paragraphs (1) and (2), and to identify
 14 and eliminate the relationships described in subpara-
 15 graphs (A) through (D) of paragraph (3), including
 16 such mechanisms as—

17 “(A) the methods by which the State agen-
 18 cy will examine individuals, and immediate fam-
 19 ily members, to identify the conflicts; and

20 “(B) the actions that the State agency will
 21 require the individuals and such family mem-
 22 bers to take to remove such conflicts.

23 “(i) LEGAL COUNSEL.—The State agency shall en-
 24 sure that—

1 “(1)(A) adequate legal counsel is available and
 2 able to provide advice and consultation needed to
 3 protect the health, safety, welfare, and rights of resi-
 4 dents, and to assist the Ombudsman and the pro-
 5 gram representatives of the Office in the perform-
 6 ance of the official duties of the Ombudsman and
 7 representatives; and

8 “(B) legal representation is provided to any
 9 program representative of the Office against whom
 10 suit or other legal action is brought or threatened to
 11 be brought in connection with the performance of
 12 the official duties of the Ombudsman or such a rep-
 13 resentative; and

14 “(2) the Office pursues administrative, legal,
 15 and other appropriate remedies on behalf of resi-
 16 dents.

17 “(j) LIABILITY.—The State shall ensure that no pro-
 18 gram representative of the Office will be liable under State
 19 law for the good faith performance of official duties de-
 20 scribed in this Act.

21 “(k) NONINTERFERENCE.—The State shall—

22 “(1) ensure that willful interference with the
 23 representatives of the Office in the performance of
 24 official duties under the State long-term care om-
 25 budsman program shall be unlawful;

1 “(2) prohibit retaliation and reprisals by a long-
 2 term care facility or other entity with respect to any
 3 resident, employee, or other person for filing a com-
 4 plaint with, providing information to, or otherwise
 5 cooperating with any representative of, the Office;
 6 and

7 “(3) provide for appropriate sanctions with re-
 8 spect to the interference, retaliation, and reprisals.

9 **“Subtitle C—Senior Community**
 10 **Service Employment Program**

11 **“SEC. 221. SHORT TITLE.**

12 “‘This subtitle may be cited as the ‘Older American
 13 Community Service Employment Act’.

14 **“SEC. 222. DEFINITIONS.**

15 “‘As used in this subtitle:

16 “(1) ADMINISTRATIVE COSTS.—The term ‘ad-
 17 ministrative costs’, used with respect to a project,
 18 means—

19 “(A) the costs of—

20 “(i) salaries, wages, and fringe bene-
 21 fits for project administrators;

22 “(ii) consumable office supplies used
 23 by project staff;

1 “(iii) development, preparation, pres-
2 entation, management, and evaluation of
3 the project;

4 “(iv) establishment and maintenance
5 of accounting and management informa-
6 tion systems;

7 “(v) establishment and maintenance
8 of advisory councils;

9 “(vi) travel of the project administra-
10 tors;

11 “(vii) rent, utilities, custodial services,
12 and indirect costs attributable to the
13 project;

14 “(viii) training of staff and technical
15 assistance to subproject sponsor staff;

16 “(ix) equipment and material for use
17 by project staff; or

18 “(x) audit services; and

19 “(B) the costs and expenses described in
20 paragraph (2)(B).

21 “(2) OTHER PARTICIPANT COSTS.—

22 “(A) IN GENERAL.—The term ‘other par-
23 ticipant costs’ includes—

24 “(i) the costs for participants of—

25 “(I) transportation;

1 ~~“(H) training, including training~~
2 ~~described in section 223(d)(9); and~~

3 ~~“(III) special job or personal~~
4 ~~counseling; and~~

5 ~~“(ii) incidental expenses necessary for~~
6 ~~the participation of the participants, such~~
7 ~~as workshoes, safety eyeglasses, uniforms,~~
8 ~~tools, and similar items.~~

9 ~~“(B) EXCLUSION.—The term shall not in-~~
10 ~~clude—~~

11 ~~“(i) the costs of performing assess-~~
12 ~~ments, including the assessment described~~
13 ~~in section 223(d)(11);~~

14 ~~“(ii) administrative expenses relating~~
15 ~~to the training of participants;~~

16 ~~“(iii) the costs of providing counseling~~
17 ~~to participants;~~

18 ~~“(iv) the costs of providing supportive~~
19 ~~services to participants;~~

20 ~~“(v) transportation costs incurred in~~
21 ~~training;~~

22 ~~“(vi) the costs of evaluating partici-~~
23 ~~pants for continued participation in em-~~
24 ~~ployment in a project described in this sub-~~
25 ~~title; or~~

1 “(vii) the costs of developing host
2 agency assignments and unsubsidized em-
3 ployment for participants.

4 “(3) PLACED IN UNSUBSIDIZED EMPLOY-
5 MENT.—

6 “(A) IN GENERAL.—The term ‘placed in
7 unsubsidized employment’ means, with respect
8 to an individual who was a participant in a
9 project described in this subtitle, that—

10 “(i)(I) the individual was placed in a
11 position with an employer not later than
12 90 days after the individual terminated
13 participation in the project, and the posi-
14 tion was not subsidized with Federal
15 funds; and

16 “(II) the placement was attributable to
17 participation in the project;

18 “(ii) the employer intended, on the
19 date of the placement, to employ the indi-
20 vidual in the position for not less than 90
21 days;

22 “(iii) the individual was still employed
23 in the position 30 days after the place-
24 ment; and

1 “(iv) the individual was better off eco-
 2 nomically when employed in the position
 3 than the individual was when participating
 4 in the project.

5 “(B) BETTER OFF ECONOMICALLY.—As
 6 used in this paragraph, the term ‘better off eco-
 7 nomically’, used with respect to an individual,
 8 means an individual who was a participant in a
 9 project described in this subtitle and was placed
 10 in a position of employment if—

11 “(i) the individual received greater in-
 12 come for employment in the position than
 13 for participation in the project;

14 “(ii) the individual received greater
 15 benefits (as defined by the State in which
 16 the project is located) for employment in
 17 the position than for participation in the
 18 project; or

19 “(iii) the position met 2 or more of
 20 the following criteria:

21 “(I) The position provided to the
 22 individual 20 or more hours of em-
 23 ployment per week and a wage that is
 24 not less than the minimum wage de-
 25 termined in accordance with section

1 6(a)(1) of the Fair Labor Standards
2 Act of 1938 (29 U.S.C. 206(a)(1)).

3 “(H) The position was consistent
4 with the individual development plan
5 for the individual.

6 “(III) The position provided free
7 housing to the individual.

8 “(IV) The position provided free
9 food or meals to the individual.

10 “(V) The position provided
11 health benefits to the individual.

12 “(VI) The position provided free
13 transportation, or transportation at a
14 reduced cost, to the individual.

15 “(VII) The position provided to
16 the individual such economic benefits,
17 other than the benefits described in
18 subclauses (I) through (VI), as the
19 State in which the project is located
20 may determine to be appropriate.

21 “(4) SMALL STATE.—The term ‘small State’
22 means—

23 “(A) a State whose allotment under section
24 121 is increased as a result of the condition
25 specified in section 121(b)(2)(C)(ii)(I); and

1 “(B) a State referred to in section
2 121(b)(2)(C)(ii)(II).

3 **“SEC. 223. SENIOR COMMUNITY SERVICE EMPLOYMENT**
4 **PROGRAM.**

5 “(a) AUTHORITY FOR PROGRAM.—

6 “(1) GRANTS.—With funds allotted under sec-
7 tion 121(b), the Assistant Secretary shall make
8 grants to eligible States and tribal organizations for
9 the purpose of providing, to unemployed low-income
10 older individuals who have poor employment pros-
11 pects (as determined in accordance with standards
12 issued by the States and organizations), part-time
13 employment opportunities providing community serv-
14 ices.

15 “(2) USE OF FUNDS.—

16 “(A) WAGES AND BENEFITS.—

17 “(i) IN GENERAL.—Except as pro-
18 vided in clause (ii) or subparagraph (C) or
19 (D), not less than 90 percent of the funds
20 made available through a grant made
21 under paragraph (1) shall be used to pay
22 wages and benefits for older individuals
23 who are employed under projects carried
24 out under this subtitle.

1 “(ii) SMALL STATES.—Except as pro-
 2 vided in subparagraph (C) or (D), not less
 3 than 85 percent of the funds made avail-
 4 able through a grant made under para-
 5 graph (1) to a small State shall be used to
 6 pay wages and benefits for older individ-
 7 uals who are employed under projects car-
 8 ried out under this subtitle.

9 “(B) ADMINISTRATIVE COSTS.—

10 “(i) IN GENERAL.—Except as pro-
 11 vided in clause (ii), not more than 10 per-
 12 cent of the funds made available through a
 13 grant made under paragraph (1) may be
 14 used to pay for administrative costs.

15 “(ii) SMALL STATES.—Not more than
 16 15 percent of the funds made available
 17 through a grant made under paragraph (1)
 18 to a small State may be used to pay for
 19 administrative costs.

20 “(C) OTHER PARTICIPANT COSTS;
 21 PROJECTS CARRIED OUT DIRECTLY.—

22 “(i) IN GENERAL.—A State or tribal
 23 organization that receives a grant under
 24 paragraph (1) for a project and that elects
 25 to carry out the project directly, or

1 through an agreement under subsection (b)
 2 with a political subdivision, may request
 3 that the Assistant Secretary provide for a
 4 fiscal year—

5 “(I) a general waiver of subpara-
 6 graph (A); and

7 “(II) an additional waiver of sub-
 8 paragraph (A).

9 “(ii) REQUEST.—

10 “(I) IN GENERAL.—The State or
 11 tribal organization shall submit such a
 12 request at such time, in such form,
 13 and containing such information as
 14 the Assistant Secretary may require
 15 by rule.

16 “(II) INFORMATION FOR ADDI-
 17 TIONAL WAIVER.—A State or tribal
 18 organization that requests such an ad-
 19 ditional waiver for a fiscal year shall
 20 submit with the request information
 21 demonstrating that at least 30 per-
 22 cent of the participants in the projects
 23 carried out through a grant made
 24 under paragraph (1) for the previous

1 year to the State or organization were
2 placed in unsubsidized employment.

3 “(iii) APPROVAL.—If the Assistant
4 Secretary determines that the State or
5 tribal organization has submitted a request
6 that meets the requirements of clause (ii);
7 the Assistant Secretary shall approve the
8 request.

9 “(iv) GENERAL WAIVER.—A general
10 waiver referred to in this subparagraph
11 shall permit the State or tribal organiza-
12 tion to use a portion, but not more than
13 20 percent, of the funds made available
14 through the grant for the fiscal year for
15 which the waiver is requested for adminis-
16 trative costs or other participant costs;
17 subject to clause (i) or (ii), as appropriate;
18 of subparagraph (B).

19 “(v) ADDITIONAL WAIVER.—

20 “(I) IN GENERAL.—An additional
21 waiver referred to in this subpara-
22 graph shall permit the State or tribal
23 organization to use a portion, but not
24 more than 5 percent, of the funds
25 made available through the grant for

1 the fiscal year for which the waiver is
 2 requested for other participant costs:

3 “(H) CALCULATION.—If a State
 4 or tribal organization receives a gen-
 5 eral waiver described in clause (iv)
 6 and an additional waiver described in
 7 this clause, the State or organization
 8 may use the portion described in
 9 clause (iv) and the portion described
 10 in this clause for the fiscal year for
 11 which the waivers are requested for
 12 administrative costs or other partici-
 13 pant costs, subject to clause (i) or (ii),
 14 as appropriate, of subparagraph (B):

15 “(D) OTHER PARTICIPANT COSTS;
 16 PROJECTS CARRIED OUT UNDER AGREE-
 17 MENTS.—

18 “(i) IN GENERAL.—An entity, other
 19 than a State, tribal organization, or politi-
 20 cal subdivision, that carries out a project
 21 under a grant made under paragraph (1)
 22 may request that the State or tribal orga-
 23 nization that received the grant provide for
 24 a fiscal year—

1 “(I) a general waiver of subpara-
2 graph (A); and

3 “(II) an additional waiver of sub-
4 paragraph (A).

5 “(ii) APPLICATION OF PROVISIONS.—

6 The provisions of clauses (ii) through (v)
7 of subparagraph (C) shall apply to such re-
8 quests and such general and additional
9 waivers, as appropriate, except that ref-
10 erences in such provisions—

11 “(I) to a State or tribal organiza-
12 tion shall be deemed to be references
13 to the entity referred to in clause (i);
14 and

15 “(II) to the Assistant Secretary
16 shall be deemed to be references to
17 the State or tribal organization that
18 received the grant referred to in
19 clause (i).

20 “(E) NON-FEDERAL SOURCES.—To the
21 maximum extent practicable, an entity that ear-
22 ries out a project under this subtitle shall pro-
23 vide for the payment of the costs described in
24 subparagraph (B), (C), or (D) from non-Fed-
25 eral sources.

1 ~~“(b) ELIGIBILITY FOR GRANTS.—~~

2 ~~“(1) APPLICATION AND AGREEMENTS.—To be~~
 3 ~~eligible to receive a grant under subsection (a), a~~
 4 ~~State or tribal organization shall submit to the As-~~
 5 ~~sistant Secretary an annual application at such time,~~
 6 ~~in such form, and containing such information as~~
 7 ~~the Assistant Secretary may require by rule, includ-~~
 8 ~~ing an assurance that funds made available through~~
 9 ~~such grant—~~

10 ~~“(A) will be used by the State or tribal or-~~
 11 ~~ganization to carry out projects for the purpose~~
 12 ~~specified in subsection (a)(1)—~~

13 ~~“(i) directly (in accordance with the~~
 14 ~~requirements of subsection (d)); or~~

15 ~~“(ii) through agreements that satisfy~~
 16 ~~the requirements of this subsection and~~
 17 ~~subsection (d); and~~

18 ~~“(B) will not be used to carry out a project~~
 19 ~~involving the construction, operation, or mainte-~~
 20 ~~nance of any facility used or to be used as a~~
 21 ~~place for sectarian religious instruction or wor-~~
 22 ~~ship.~~

23 ~~“(2) PARTICIPANTS IN AGREEMENT.—Such~~
 24 ~~agreements shall be entered into by the State or~~
 25 ~~tribal organization with—~~

1 “(A) public or nonprofit private agencies
2 or organizations;

3 “(B) political subdivisions of States having
4 elected or duly appointed governing officials (or
5 combinations of such political subdivisions);

6 “(C) tribal organizations; and

7 “(D) area agencies on aging.

8 “(3) AGREEMENT WITH BUSINESSES.—At the
9 election of a State or tribal organization that re-
10 ceives a grant made under subsection (a), not more
11 than 5 percent of the funds made available through
12 the grant may be used to enter into agreements with
13 businesses (giving special consideration to businesses
14 in growth industries) to pay for not more than 50
15 percent of the cost of providing employment (includ-
16 ing arranging for the provision of employment) to
17 older individuals described in subsection (a).

18 “(c) COMPETITIVE BASIS.—In selecting an entity
19 with whom a State or tribal organization will enter into
20 an agreement under subsection (b), the State or organiza-
21 tion—

22 “(1) shall make the selection on a competitive
23 basis; and

24 “(2) shall take into consideration, where appro-
25 priate, the demonstrated ability of the entity to pro-

1 vide employment (including arranging for the provi-
 2 sion of employment) to older individuals described in
 3 subsection (a).

4 “(d) REQUIREMENTS.—

5 “(1) IN GENERAL.—Each agreement entered
 6 into under subsection (b) for a project shall provide
 7 that no payment shall be made by the State or tribal
 8 organization toward the cost of such project unless
 9 the State or tribal organization determines that such
 10 project, or the entity that carries out such project,
 11 as appropriate, will satisfy each of the conditions de-
 12 scribed in paragraphs (2) through (13). Each State
 13 or tribal organization that carries out a project di-
 14 rectly under subsection (b) shall ensure that such
 15 project or the State or organization, as appropriate,
 16 will satisfy each of the conditions described in para-
 17 graphs (2) through (13).

18 “(2) FEDERAL SHARE REQUIREMENT.—

19 “(A) IN GENERAL.—The entity that ear-
 20 ries out the project shall use funds received for
 21 such project that are made available through a
 22 grant made under subsection (a) to pay for the
 23 Federal share of the cost of the project.

1 “(B) FEDERAL SHARE.—The Federal
2 share of the cost of the project shall be not
3 more than 85 percent.

4 “(C) NON-FEDERAL SHARE.—The non-
5 Federal share of such cost shall be contributed
6 in cash or in kind. In determining the amount
7 of the non-Federal share, the Assistant Sec-
8 retary may attribute fair market value to serv-
9 ices and facilities contributed from non-Federal
10 sources.

11 “(3) PERSONNEL.—The project shall provide
12 employment only for older individuals described in
13 subsection (a), except for necessary technical, ad-
14 ministrative, and supervisory personnel. Such per-
15 sonnel shall, to the fullest extent possible, be re-
16 cruited from among older individuals described in
17 subsection (a).

18 “(4) COMMUNITIES.—

19 “(A) IN GENERAL.—If such project is ear-
20 ried out by or under an agreement with a State,
21 the project shall provide employment for such
22 individuals in the community in which such in-
23 dividuals reside, or in nearby communities.

24 “(B) RESERVATIONS.—If such project is
25 carried out by or under an agreement with a

1 tribal organization; the project shall provide
 2 employment for such individuals who are Indi-
 3 ans residing on an Indian reservation.

4 ~~“(5) SERVICES.—~~The project (except a project
 5 carried out under an agreement described in sub-
 6 section ~~(b)(3))~~ shall employ older individuals de-
 7 scribed in subsection (a) in positions in which the in-
 8 dividuals provide services—

9 ~~“(A) related to publicly owned and oper-~~
 10 ated facilities or public projects; or

11 ~~“(B) related to projects sponsored by orga-~~
 12 nizations described in section 501(c)(3) of the
 13 Internal Revenue Code of 1986 that are exempt
 14 from taxation under section 501(a) of such
 15 Code.

16 ~~“(6) GENERAL WELFARE.—~~The project shall
 17 contribute to the general welfare of the community
 18 in which the project is carried out.

19 ~~“(7) EMPLOYMENT IMPACTS.—~~The project
 20 shall—

21 ~~“(A) result in an increase in employment~~
 22 opportunities over the opportunities that would
 23 otherwise be available;

24 ~~“(B) not result in the displacement (in-~~
 25 cluding partial displacement, such as a reduc-

tion in the hours of nonovertime work or wages or employment benefits) of currently employed workers (as of the date of the beginning of the project); and

“(C) not impair existing contracts (as of the date of the beginning of the project) or result in the substitution of Federal funds for other funds in connection with work that would otherwise be performed.

“(8) RECRUITMENT AND SELECTION.—In carrying out the project, the entity shall utilize methods of recruitment and selection (including listing job vacancies with an employment agency operated by any State or political subdivision of a State) that will ensure that the maximum number of older individuals described in subsection (a) will have an opportunity to participate in the project.

“(9) TRAINING.—The project shall include such training as may be necessary to make the most effective use of the skills and talents of such individuals who are participating in the project and assist in their transition into employment for which no financial assistance is provided under this subtitle.

“(10) ADVICE.—The entity shall establish or administer the project after receiving the advice of—

1 “(A) individuals competent in the field of
2 service in which the project will provide employ-
3 ment; and

4 “(B) individuals who are knowledgeable
5 with regard to the needs of older individuals.

6 “(11) ASSESSMENT.—The entity shall prepare
7 an assessment of—

8 “(A) the skills and talents of each partici-
9 pating older individual;

10 “(B) the need of the older individual for
11 supportive services; and

12 “(C) the ability of the older individual to
13 perform community service employment;
14 except to the extent that the project has an assess-
15 ment of such skills and talents, such need, or such
16 ability, of the individual that was prepared recently
17 pursuant to another Federal or State employment or
18 job training program.

19 “(12) NOTICE AND EXPLANATION.—The entity
20 that carries out such project shall post in the project
21 workplace a notice, and shall make available to each
22 individual associated with such project a written ex-
23 planation, clarifying the law with respect to allow-
24 able and unallowable political activities under chap-
25 ter 15 of title 5, United States Code, applicable to

1 the project and to each category of individuals asso-
 2 ciated with such project.

3 “(13) PRIORITY IN EMPLOYMENT OPPORTUNIT-
 4 TIES.—In providing employment opportunities (in-
 5 cluding arranging for the provision of employment
 6 opportunities) under the project, such entity shall
 7 give priority to low-income older individuals de-
 8 scribed in subsection (a) who are 60 years of age or
 9 older.

10 “(c) PREREQUISITE DETERMINATIONS AND COORDI-
 11 NATION.—

12 “(1) DETERMINATIONS.—To effectively carry
 13 out subsection (b), a State or tribal organization
 14 that receives a grant under subsection (a) for a fis-
 15 cal year shall, after consultation with the appro-
 16 priate area agencies on aging and with other organi-
 17 zations that received funds under this subtitle in the
 18 preceding fiscal year—

19 “(A) make a determination identifying the
 20 localities in the State, or on an Indian reserva-
 21 tion in the case of a tribal organization, in
 22 which projects described in subsection (b) are
 23 most needed;

24 “(B) in making such determination, con-
 25 sider the local employment situations and the

1 types of skills possessed by available local older
 2 individuals described in subsection (a); and

3 “(C) make a determination identifying po-
 4 tential projects for; and the number and per-
 5 centage of such individuals in the local popu-
 6 lation of; each such locality.

7 “(2) COORDINATION.—To increase job opportu-
 8 nities available to older individuals, the State or trib-
 9 al organization shall coordinate the projects assisted
 10 under this subtitle with—

11 “(A) other programs, projects, and activi-
 12 ties carried out under this Act; and

13 “(B) other Federal or State employment or
 14 job training programs.

15 “(3) PARTICIPANTS.—To the maximum extent
 16 practicable, the State or tribal organization shall en-
 17 sure that entities that carry out projects under this
 18 subtitle provide employment (including arranging for
 19 the provision of employment) under this subtitle to
 20 older individuals who on the day before the effective
 21 date of section 3 of the Older Americans Amend-
 22 ments of 1996 were participants under an agree-
 23 ment entered into under section 502(b) (as in effect
 24 on the day before such date).

1 “(f) **EQUITABLE USE OF FUNDS.**—To the maximum
 2 extent practicable, the State or tribal organization shall
 3 use funds available for this subtitle to enter into agree-
 4 ments under subsection (b) or carry out this subtitle in
 5 an equitable manner, taking into consideration the num-
 6 ber of eligible older individuals in the various geographical
 7 areas served under the agreements or by the State or or-
 8 ganization and the relative distribution of such individuals
 9 among urban and rural areas.

10 “(g) **PRIOR SUBMISSION OF PROJECT DESCRIP-**
 11 **TION.**—If an entity carries out a project under this sub-
 12 title in a planning and service area, and the entity is not
 13 the area agency on aging for the planning and service
 14 area, the entity shall carry out the project in consultation
 15 with the area agency on aging and shall submit to the
 16 area agency on aging, not less than 30 days before under-
 17 taking the project, a description (including the location)
 18 of such project.

19 “(h) **ALTERNATIVE WORK MODES; TECHNICAL AS-**
 20 **SISTANCE.**—To assist entities carrying out, and partici-
 21 pants in, projects assisted under this subtitle, the State
 22 or tribal organization may develop alternatives for innova-
 23 tive work modes and provide technical assistance in creat-
 24 ing job opportunities through work sharing and other ex-
 25 perimental methods to groups representing business and

1 industry and workers, as well as to individual employers,
2 where appropriate.

3 “(i) ~~REPORT.~~—If a State or tribal organization elects
4 under subsection (b) to enter into agreements described
5 in paragraph (3) of such subsection for a fiscal year, the
6 State or tribal organization shall submit to the Assistant
7 Secretary a report describing the projects carried out
8 under such agreements.

9 “(j) ~~DATA COLLECTION AND ANALYSIS.~~—A State or
10 tribal organization that receives a grant under subsection
11 (a) shall use a portion of the remaining funds described
12 in subsection (a)(2)(B) to collect data and carry out analy-
13 ses related to the need for community service employment
14 within the population served under the grant and dissemi-
15 nate information obtained through the data collection and
16 analyses.

17 “(k) ~~RULES.~~—The Secretary shall issue, and amend
18 from time to time, rules that require States and tribal or-
19 ganizations that receive grants under subsection (a) to es-
20 tablish, to the maximum extent practicable, for projects
21 carried out under this subtitle the goal of annually placing
22 not less than 20 percent of project participants in employ-
23 ment for which no financial assistance is provided under
24 this subtitle.

1 **~~“SEC. 224. PARTICIPANTS NOT FEDERAL EMPLOYEES.~~**

2 ~~“(a) PROJECT PARTICIPANTS.—Older individuals de-~~
3 ~~scribed in section 223(a) who participate in a project as-~~
4 ~~sisted under this subtitle shall not be considered to be~~
5 ~~Federal employees as a result of such participation and~~
6 ~~shall not be subject to the provisions of part III of title~~
7 ~~5, United States Code.~~

8 ~~“(b) WORKMEN’S COMPENSATION.—No State or~~
9 ~~tribal organization shall enter into an agreement under~~
10 ~~section 223(b) with, or carry out such a project through,~~
11 ~~an entity who is, or whose employees are, under State law,~~
12 ~~exempted from operation of the State workmen’s com-~~
13 ~~pensation law, generally applicable to employees, unless~~
14 ~~the entity shall undertake to provide either through insur-~~
15 ~~ance by a recognized carrier, or by self-insurance, as au-~~
16 ~~thorized by State law, that the individuals employed under~~
17 ~~the contract shall enjoy workmen’s compensation coverage~~
18 ~~equal to such coverage provided by law for covered employ-~~
19 ~~ment.~~

20 **~~“SEC. 225. EMPLOYMENT ASSISTANCE AND FEDERAL HOUS-~~**
21 **~~ING AND FOOD STAMP PROGRAMS.~~**

22 ~~“Funds received by eligible individuals from projects~~
23 ~~carried out under this subtitle shall not be considered to~~
24 ~~be income of such individuals for purposes of determining~~
25 ~~the eligibility of such individuals, or of any other persons,~~
26 ~~to participate in any housing program for which Federal~~

1 funds may be available or for any income determination
 2 under the Food Stamp Act of 1977 (7 U.S.C. 2011 et
 3 seq.).

4 **“Subtitle D—Disease Prevention** 5 **and Health Promotion**

6 **“SEC. 231. ESTABLISHMENT OF GRANT PROGRAM.**

7 “(a) **AUTHORITY.**—The Assistant Secretary shall
 8 carry out a program for making grants to States to enable
 9 the States, to assist eligible area agencies on aging to pro-
 10 vide disease prevention and health promotion services and
 11 information at multipurpose senior centers, at congregate
 12 meal sites, through home-delivered meal programs, or at
 13 other appropriate sites. In carrying out such program, the
 14 Assistant Secretary shall consult with the Director of the
 15 Centers for Disease Control and Prevention and the Direc-
 16 tor of the National Institute on Aging.

17 “(b) **SERVICES.**—Each State, in consultation with
 18 the Assistant Secretary, shall determine the services to be
 19 provided as disease prevention and health promotion serv-
 20 ices in the State under this subtitle. The State may not
 21 include services for which payment may be made under
 22 title XVIII of the Social Security Act (42 U.S.C. 1395
 23 et seq.).

24 “(c) **USE OF SERVICES.**—Each State, to the extent
 25 possible, shall assure that area agencies on aging use serv-

ices provided by other community organizations and agencies in carrying out the provisions of this subtitle.

“SEC. 232. DISTRIBUTION TO AREA AGENCIES ON AGING.

“The State agency shall give priority, in assisting area agencies on aging under this subtitle, to agencies serving areas of the State—

“(1) that are medically underserved; and

“(2) in which there are large numbers of older individuals with greatest economic need who are in need of such services.

**“TITLE III—LOCAL PROGRAMS
ON AGING**

“Subtitle A—General Provisions

“SEC. 301. ELIGIBILITY OF LOCAL ORGANIZATIONS.

“(a) DESIGNATION OF AREA AGENCIES ON AGING.—

An area agency on aging designated under section 201(a)—

“(1) shall be—

“(A) an established office of aging;

“(B) any office or agency of a unit of general purpose local government, that is designated to function only for the purpose of serving as an area agency on aging by the chief elected official of such unit;

1 “(C) any office or agency designated by
2 the appropriate chief elected officials of any
3 combination of units of general purpose local
4 government to act on behalf of such combina-
5 tion only for such purpose;

6 “(D) any public or nonprofit private agen-
7 cy in a planning and service area; or any sepa-
8 rate organizational unit within such agency,
9 that is under the supervision or direction for
10 such purpose of the designated State agency
11 and that can and will engage only in the plan-
12 ning or provision of a broad range of supportive
13 services; or of nutrition services; within the
14 planning and service area; or

15 “(E) in the case of a State designated
16 under section 201(a)(1)(E) as a single planning
17 and service area; the State agency; and

18 “(2) shall provide an assurance, determined to
19 be adequate by the State agency, that the area agen-
20 cy on aging will have the ability to develop an area
21 plan in accordance with section 302 and to carry
22 out, directly or through contractual or other ar-
23 rangements, a program in accordance with the plan
24 within the planning and service area.

1 “(b) PREFERENCE.—In designating an area agency
 2 on aging within the planning and service area, including
 3 any unit of general purpose local government designated
 4 as a planning and service area, the State shall give pref-
 5 erence to an established office on aging, unless the State
 6 agency finds that no such office within the planning and
 7 service area will have the capacity to carry out the area
 8 plan.

9 **“SEC. 302. AREA PLANS.**

10 “(a) PLAN.—To be eligible for designation as an area
 11 agency on aging in a State, an entity shall prepare, de-
 12 velop, and submit to the State agency an area plan for
 13 a planning and service area for a 2-, 3-, or 4-year period
 14 determined by the State agency, with such annual revi-
 15 sions as may be necessary. Each such plan shall be based
 16 on a uniform format for area plans within the State. Each
 17 such plan shall comply with all of the following require-
 18 ments:

19 “(1) SCOPE OF PLAN.—The plan shall provide,
 20 through a comprehensive and coordinated system,
 21 for—

22 “(A) supportive services (including, where
 23 appropriate, services to support the establish-
 24 ment or maintenance of multipurpose senior
 25 centers), nutrition services (including home-de-

1 livered nutrition services and congregate nutri-
2 tion services); within the planning and service
3 area covered by the plan;

4 “(B) determining the extent of need for
5 supportive services (including services to sup-
6 port multipurpose senior centers); and nutrition
7 services (taking into consideration the compara-
8 tive need for home-delivered nutrition services,
9 congregate nutrition services, and adult day
10 care nutrition services); in such area (taking
11 into consideration, among other things, the
12 number of low-income older individuals residing
13 in such area, the number of older individuals
14 with greatest economic need residing in such
15 area, the number of older individuals with
16 greatest social need residing in such area, the
17 number of older individuals who are Indians re-
18 siding in such area, and the efforts of voluntary
19 organizations in the community);

20 “(C) evaluating the effectiveness of the use
21 of resources in meeting such need; and

22 “(D) entering into agreements with provid-
23 ers of supportive services (including services to
24 support multipurpose senior centers) and nutri-

1 tion services in such area, for the provision of
2 such services or centers to meet such need.

3 ~~“(2) PROMOTION OF INDEPENDENT LIVING.—~~

4 The plan shall promote independent living through
5 the use of home- and community-based care for
6 older individuals; address the nutrition and health
7 promotion needs of older individuals; provide advo-
8 cacy for and protect the rights of vulnerable older
9 individuals in both community-based and institu-
10 tional settings; specify efforts to be undertaken to
11 ensure the quality of supportive services and nutri-
12 tion services provided in such settings; enhance ac-
13 cess to services provided under the plan; and encour-
14 age community participation in carrying out the
15 plan.

16 ~~“(3) INFORMATION AND ASSISTANCE SERV-~~
17 ~~ICES.—~~The plan shall provide for the establishment
18 and maintenance of information and assistance serv-
19 ices to ensure that older individuals within the plan-
20 ning and service area covered by the plan will have
21 reasonably convenient access to services provided
22 under the plan; with particular emphasis on linking
23 services available to—

24 ~~“(A) isolated older individuals; and~~

1 “(B) older individuals with Alzheimer’s
 2 disease or related disorders and with neuro-
 3 logical or organic brain dysfunction (and the
 4 caretakers of such individuals).

5 “(4) SPECIFIC OBJECTIVES; OUTREACH.—

6 “(A) OBJECTIVES.—The plan shall contain
 7 an assurance that the area agency on aging will
 8 set specific objectives for providing services to
 9 older individuals with greatest economic need,
 10 older individuals with greatest social need, and
 11 older individuals residing in rural areas.

12 “(B) OUTREACH.—The plan shall contain
 13 assurances that the area agency on aging will
 14 use outreach efforts that will—

15 “(i) identify individuals eligible for as-
 16 sistance under subtitles B and C, with spe-
 17 cial emphasis on—

18 “(I) older individuals residing in
 19 rural areas;

20 “(II) older individuals with great-
 21 est economic need;

22 “(III) older individuals with
 23 greatest social need, with particular
 24 attention to low-income minority indi-
 25 viduals;

1 “(IV) older individuals with se-
2 vere disabilities;

3 “(V) older individuals with lim-
4 ited-English speaking ability;

5 “(VI) older individuals with Alz-
6 heimer’s disease or related disorders
7 and with neurological or organic brain
8 dysfunction (and the caretakers of
9 such individuals); and

10 “(VII) low-income minority older
11 individuals; and

12 “(ii) inform the older individuals re-
13 ferred to in subclauses (I) through (VII) of
14 clause (i), and the caretakers of such indi-
15 viduals, of the availability of such assist-
16 ance.

17 “(5) EVALUATIONS; TECHNICAL ASSISTANCE
18 AND INFORMATION; ADVOCACY; ADVISORY COUN-
19 CIL.—The plan shall provide that the area agency on
20 aging will—

21 “(A) furnish appropriate technical assist-
22 ance, and information in a timely manner, to
23 providers of supportive services (including serv-
24 ices to support multipurpose senior centers) and

1 nutrition services in the planning and service
2 area covered by the area plan;

3 “(B) take into account, in connection with
4 matters of general policy arising in the develop-
5 ment and administration of the area plan, the
6 views of recipients of services under the plan;

7 “(C) serve as the advocate and focal point
8 for older individuals within communities in the
9 planning and service area by (in cooperation
10 with agencies, organizations, institutions, and
11 individuals participating in activities under the
12 plan) monitoring, evaluating, and commenting
13 on all policies, programs, hearings, levies, and
14 community actions within the area that will af-
15 fect older individuals;

16 “(D) establish an advisory council consist-
17 ing of older individuals who are participants or
18 who are eligible to participate in programs ear-
19 ried out under this subtitle, representatives of
20 older individuals, local elected officials, provid-
21 ers of veterans’ health care (if appropriate),
22 and the general public, to advise continuously
23 the area agency on aging on all matters relating
24 to the development of the area plan, the admin-

1 istration of the plan; and operations conducted
2 under the plan;

3 “(E) facilitate the coordination of commu-
4 nity-based, long-term care services for older in-
5 dividuals designed to—

6 “(i) retain individuals in their homes;
7 thereby deferring unnecessary, costly insti-
8 tutionalization; and

9 “(ii) include the development of ease
10 management services as a component of
11 the long-term care services;

12 “(F) facilitate the involvement of long-
13 term care providers in the coordination of com-
14 munity-based long-term care services for older
15 individuals and work to ensure community
16 awareness of, and involvement in, addressing
17 the needs of residents of long-term care facili-
18 ties;

19 “(G) coordinate services and activities car-
20 ried out under the area plan with—

21 “(i) activities of community-based or-
22 ganizations; established for the benefit of
23 older individuals with Alzheimer’s disease
24 or related disorders and with neurological

1 or organic brain dysfunction (and the fam-
 2 ilies of such individuals); and

3 “(ii) the mental health services pro-
 4 vided by community health centers and by
 5 other public and nonprofit private agen-
 6 cies; organizations; and institutions; and

7 “(H) establish a grievance procedure for
 8 older individuals who are dissatisfied with serv-
 9 ices provided, or who are denied services, under
 10 subtitle B or C.

11 “(6) VOLUNTEERS.—The plan shall encourage,
 12 and enlist the services of, local volunteer groups to
 13 provide assistance and services appropriate to the
 14 unique needs of older individuals within the planning
 15 and service area.

16 “(7) PREVENTION OF ELDER ABUSE, NEGLECT,
 17 AND EXPLOITATION.—Whenever the State desires to
 18 provide for programs for the prevention of elder
 19 abuse, neglect, and exploitation for a fiscal year, the
 20 plan shall—

21 “(A) contain an assurance that the area
 22 agency on aging will conduct such a program in
 23 a manner consistent with the provisions of this
 24 Act;

1 “(B) contain an assurance that the area
2 agency on aging will provide public education
3 and outreach to identify and prevent elder
4 abuse, neglect, and exploitation;

5 “(C) contain an assurance that the area
6 agency on aging—

7 “(i) will establish procedures for re-
8 ceipt of reports of elder abuse, neglect, and
9 exploitation; and

10 “(ii) on receipt of a report of a known
11 or suspected instance of abuse, neglect, or
12 exploitation of an older individual, will
13 promptly refer the reported matter to the
14 proper authorities for investigation and ac-
15 tion consistent with State law; and

16 “(D) specify other activities that the area
17 agency determines to be beneficial in the pre-
18 vention of elder abuse, neglect, and exploitation
19 and intends to carry out under such program.

20 “(8) DESCRIPTION OF ACTIVITIES.—The plan
21 shall—

22 “(A) describe all activities of the area
23 agency on aging for which financial assistance
24 is provided to carry out subtitles B and C; and

1 ~~“(B) contain an assurance that such activi-~~
 2 ~~ties conform with—~~

3 ~~“(i) the responsibilities of the area~~
 4 ~~agency on aging, as set forth in this sub-~~
 5 ~~section; and~~

6 ~~“(ii) the laws, rules, and policies of~~
 7 ~~the State in which the area agency on~~
 8 ~~aging is carrying out an area plan.~~

9 ~~“(9) DISCLOSURE OF SOURCES AND EXPENDI-~~
 10 ~~TURES OF FUNDS.—The plan shall contain an assur-~~
 11 ~~ance that the area agency on aging will, on the re-~~
 12 ~~quest of the State and for the purpose of monitoring~~
 13 ~~compliance with this Act (including conducting an~~
 14 ~~audit), disclose all sources and expenditures of funds~~
 15 ~~such agency receives or expends to provide assist-~~
 16 ~~ance to older individuals.~~

17 ~~“(10) PROHIBITION ON MISUSE OF FUNDS.—~~
 18 ~~The plan shall provide assurances that funds re-~~
 19 ~~ceived from allotments made under section 121(c)~~
 20 ~~and assistance made available under section 123 will~~
 21 ~~not be used to pay any part of a cost (including an~~
 22 ~~administrative cost) incurred by the area agency on~~
 23 ~~aging to carry out a contract or commercial arrange-~~
 24 ~~ment that is not carried out to implement subtitle B~~
 25 ~~or C.~~

1 “(11) CASE MANAGEMENT SERVICES.—The
 2 plan shall provide that case management services
 3 provided under this title through the area agency on
 4 aging will—

5 “(A) not duplicate case management serv-
 6 ices provided through other Federal and State
 7 programs;

8 “(B) be coordinated with services described
 9 in subparagraph (A);

10 “(C) include the provision, to consumers,
 11 of a list of available service providers for appro-
 12 priate care in the planning and service area
 13 served by the agency;

14 “(D) be provided in a manner that gives a
 15 consumer the right to choose a provider of pref-
 16 erence; and

17 “(E) be provided by—

18 “(i) a public agency; or

19 “(ii) a nonprofit private agency that—

20 “(I) does not provide, and does
 21 not have a direct or indirect owner-
 22 ship or controlling interest in, or a di-
 23 rect or indirect affiliation or relation-
 24 ship with, an entity that provides
 25 services (other than case management

1 services, outreach, and information
2 and referral) under this title;

3 ~~“(H) is located in a rural area~~
4 ~~and obtains a waiver of the require-~~
5 ~~ment described in subelause (I); or~~

6 ~~“(III) is a community-based or-~~
7 ~~ganization described in section~~
8 ~~223(d)(5)(B), and is located in a~~
9 ~~planning and service area for which~~
10 ~~the area agency on aging contracted~~
11 ~~with a nonprofit private agency to~~
12 ~~provide case management services in~~
13 ~~fiscal year 1992.~~

14 ~~“(12) COST SHARING.—The plan shall contain~~
15 ~~an assurance that any requirements for cost sharing~~
16 ~~by recipients of services provided under the plan will~~
17 ~~be consistent with the provisions of the State plan~~
18 ~~that satisfy the requirement specified in section~~
19 ~~202(a)(16).~~

20 ~~“(b) PRESERVATION OF ATTORNEY-CLIENT PRIVI-~~
21 ~~LEGE.—An area agency on aging may not require any pro-~~
22 ~~vider of legal assistance under this title to reveal any infor-~~
23 ~~mation that is protected by the attorney-client privilege.~~

24 ~~“(c) STATE AUTHORITY TO WITHHOLD ASSIST-~~
25 ~~ANCE.—~~

1 “(1) ~~FAILURE TO COMPLY.~~—If the head of a
 2 State agency finds that an area agency on aging has
 3 failed to comply with Federal or State laws (includ-
 4 ing the area plan requirements of this section),
 5 rules, or policies, the State may withhold from the
 6 area agency on aging a portion of the assistance
 7 available under the allotment made under section
 8 121(c) and the assistance available under sections
 9 123 and 231.

10 “(2) ~~DUE PROCESS.~~—

11 “(A) ~~IN GENERAL.~~—The head of the State
 12 agency shall not withhold assistance under
 13 paragraph (1) without first affording the area
 14 agency on aging due process in accordance with
 15 procedures established by the State agency.

16 “(B) ~~PROCEDURES.~~—At a minimum, such
 17 procedures shall include procedures for—

18 “(i) providing notice of an action to
 19 withhold assistance;

20 “(ii) providing documentation of the
 21 need for such action; and

22 “(iii) at the request of the area agen-
 23 cy on aging, conducting a public hearing
 24 concerning such action.

1 ~~“(3) DIRECT ADMINISTRATION OF PRO-~~
2 ~~GRAMS.—~~

3 ~~“(A) IN GENERAL.—If the State agency~~
4 ~~withholds the assistance under paragraphs (1)~~
5 ~~and (2), the State agency may use the assist-~~
6 ~~ance withheld to directly administer programs~~
7 ~~under subtitles B and C in the planning and~~
8 ~~service area served by the area agency on aging~~
9 ~~for a period of not to exceed 180 days, except~~
10 ~~as provided in subparagraph (B).~~

11 ~~“(B) EXTENSION OF PERIOD.—If the~~
12 ~~State agency determines that the area agency~~
13 ~~on aging has not taken corrective action, or if~~
14 ~~the State agency does not approve the correc-~~
15 ~~tive action, during the 180-day period described~~
16 ~~in subparagraph (A), the State agency may ex-~~
17 ~~tend the period until the area agency on aging~~
18 ~~takes satisfactory corrective action, but not for~~
19 ~~longer than 1 year. If, at the end of the 1-year~~
20 ~~extension, the area agency on aging has not~~
21 ~~taken satisfactory corrective action, the State~~
22 ~~shall designate a new area agency on aging to~~
23 ~~serve the planning and service area.~~

1 **“Subtitle B—Supportive Services**
 2 **and Senior Centers**

3 ~~“SEC. 311. PROGRAM AUTHORIZED.~~

4 ~~“The Assistant Secretary shall carry out a program~~
 5 ~~for making grants to States, under State plans approved~~
 6 ~~under section 202, to enable the States to assist eligible~~
 7 ~~area agencies on aging in carrying out any of the following~~
 8 ~~supportive services that are necessary for the general wel-~~
 9 ~~fare of older individuals:~~

10 ~~“(1) Health (including mental health), edu-~~
 11 ~~cation and training, welfare, informational, rec-~~
 12 ~~reational, homemaker, counseling, or referral serv-~~
 13 ~~ices.~~

14 ~~“(2) Services (including information and assist-~~
 15 ~~ance services) designed to encourage and assist older~~
 16 ~~individuals to use the facilities and services available~~
 17 ~~to the individuals, including language translation~~
 18 ~~services to assist older individuals with limited Eng-~~
 19 ~~lish speaking ability to obtain services under this~~
 20 ~~subtitle.~~

21 ~~“(3) Services designed—~~

22 ~~“(A) to assist older individuals to obtain~~
 23 ~~adequate housing, including residential repair~~
 24 ~~and renovation projects designed to enable older~~

1 individuals to maintain their residences in con-
 2 formity with minimum housing standards;

3 “(B) to adapt residences to meet the needs
 4 of older individuals with disabilities;

5 “(C) to prevent unlawful entry into resi-
 6 dences of older individuals, through the installa-
 7 tion of security devices and through structural
 8 modifications or alterations of such residences;
 9 or

10 “(D) to receive applications from older in-
 11 dividuals for housing under section 202 of the
 12 Housing Act of 1959 (42 U.S.C. 1701q).

13 “(4) Services designed to assist older individ-
 14 uals to avoid institutionalization, and services de-
 15 signed to assist individuals in long-term care institu-
 16 tions who are able to return to their communities;
 17 including—

18 “(A) client assessment services and devel-
 19 opment and coordination of community-based
 20 services;

21 “(B) in-home services for frail older indi-
 22 viduals, including services for older individuals
 23 with Alzheimer’s disease and related disorders
 24 and with neurological or organic brain dysfunc-
 25 tion (and for families of such individuals);

1 “(C) supportive activities to meet the spe-
 2 cial needs of caregivers, including caregivers
 3 who provide in-home services to frail older indi-
 4 viduals; and

5 “(D) in-home and other community-based
 6 services to assist older individuals to live inde-
 7 pendently in a home environment, including
 8 home health, homemaker, shopping, escort,
 9 reader, and letter-writing services.

10 “(5) Services designed to provide to older indi-
 11 viduals legal assistance and other counseling services
 12 and assistance, including—

13 “(A) tax counseling and assistance, finan-
 14 cial counseling, and counseling regarding appro-
 15 priate health and life insurance coverage;

16 “(B) representation—

17 “(i) of individuals who are wards (or
 18 are allegedly incapacitated); and

19 “(ii) in guardianship proceedings of
 20 older individuals who seek to become
 21 guardians, if other adequate representation
 22 is unavailable in the proceedings; and

23 “(C) provision, to older individuals who
 24 provide uncompensated care to their adult chil-
 25 dren with disabilities, of counseling to assist

1 such older individuals with permanency plan-
2 ning for such children.

3 ~~“(6) Services designed to enable older individ-~~
4 ~~uals to attain and maintain physical and mental~~
5 ~~well-being through programs of regular physical ac-~~
6 ~~tivity.~~

7 ~~“(7) Activities designed to promote disease pre-~~
8 ~~vention and health promotion.~~

9 ~~“(8) Services designed to provide, for older in-~~
10 ~~dividuals, preretirement counseling and assistance in~~
11 ~~planning for and assessing future post-retirement~~
12 ~~needs with regard to insurance benefits, public bene-~~
13 ~~fits, lifestyle changes, relocation, legal matters, lei-~~
14 ~~sure time, and other appropriate matters.~~

15 ~~“(9) Services that are designed to meet the~~
16 ~~unique needs of older individuals who are disabled~~
17 ~~and of older individuals who provide uncompensated~~
18 ~~care to their adult children with disabilities.~~

19 ~~“(10) Services to encourage the employment of~~
20 ~~older individuals (which shall be coordinated with~~
21 ~~the assistance provided through the community serv-~~
22 ~~ice employment program carried out under subtitle~~
23 ~~C of title II), including job and second career coun-~~
24 ~~seling and, in an appropriate case, job development,~~
25 ~~referral, and placement.~~

1 “(11) Services for the prevention of abuse, ne-
2 glect, and exploitation of older individuals.

3 “(12) Crime prevention services, and victim as-
4 sistance programs, for older individuals.

5 “(13) Health and nutrition education services,
6 including information concerning prevention, diag-
7 nosis, treatment, and rehabilitation relating to age-
8 related diseases and chronic disabling conditions.

9 “(14) Services designed to enable mentally im-
10 paired older individuals to attain and maintain emo-
11 tional well-being and independent living through a
12 comprehensive and coordinated system of services
13 described in the other paragraphs of this section.

14 “(15) Services designed to provide information
15 and training for individuals who are or may become
16 guardians or representative payees of older individ-
17 uals, including information on the powers and duties
18 of guardians and representative payees and on alter-
19 natives to guardianships.

20 “(16) Services to encourage and facilitate regu-
21 lar interaction between school-age children and older
22 individuals, including visits in long-term care facili-
23 ties, multipurpose senior centers, and other settings.

24 “(17) Services to assist in the operation of mul-
25 tipurpose senior centers.

1 “(18) Services that provide reasonable opportu-
2 nities for older individuals to participate on a vol-
3 untary basis in multigenerational activities.

4 “(19) Transportation services to facilitate ac-
5 cess to the services authorized to be provided under
6 any other paragraph of this section.

7 “(20) Services provided through a State long-
8 term care ombudsman program in accordance with
9 subtitle B of title II.

10 “(21) Any other services, if provision of the
11 services is consistent with the core objectives de-
12 scribed in section 101(2).

13 **“Subtitle C—Nutrition Services**

14 **“SEC. 321. PROGRAM AUTHORIZED.**

15 “(a) NUTRITION SERVICES.—The Assistant Sec-
16 retary shall carry out a program for making grants to
17 States, under State plans approved under section 202, to
18 enable the States to assist eligible area agencies on aging
19 in establishing and operating nutrition projects that pro-
20 vide, 5 or more days a week (or less frequently in a rural
21 area where such frequency is not feasible or in a State
22 for which a lesser frequency is approved by the State agen-
23 cy)—

24 “(1) meals to eligible individuals in congregate
25 meals settings; and

1 ~~“(2) meals to eligible individuals in their homes.~~

2 ~~“(b) REQUIREMENTS.—Entities providing meals~~
 3 ~~under a grant or contract made under this subtitle shall~~
 4 ~~provide eligible older individuals with at least 1 meal per~~
 5 ~~day and any additional meals per day that the recipient~~
 6 ~~of the grant or contract may elect to provide.~~

7 **~~“SEC. 322. ADDITIONAL REQUIREMENTS.~~**

8 ~~“A State that establishes and operates a nutrition~~
 9 ~~project under this subtitle shall—~~

10 ~~“(1) solicit the advice of a dietitian or an indi-~~
 11 ~~vidual with comparable expertise in the planning of~~
 12 ~~nutritional services; and~~

13 ~~“(2) ensure that—~~

14 ~~“(A) the project provides meals that—~~

15 ~~“(i) comply with the Dietary Guide-~~
 16 ~~lines for Americans, published by the Sec-~~
 17 ~~retary and the Secretary of Agriculture;~~

18 ~~“(ii) provide to each participating~~
 19 ~~older individual—~~

20 ~~“(I) a minimum of 33⅓ percent~~
 21 ~~of the daily recommended dietary al-~~
 22 ~~lowances established by the Food and~~
 23 ~~Nutrition Board of the Institute of~~
 24 ~~Medicine of the National Academy of~~

1 Sciences, if the project provides 1
2 meal per day;

3 “(II) a minimum of $66\frac{2}{3}$ percent
4 of the allowances, if the project pro-
5 vides 2 meals per day; and

6 “(III) 100 percent of the allow-
7 ances, if the project provides 3 meals
8 per day; and

9 “(iii) to the maximum extent prac-
10 ticable, are adjusted to meet any special
11 dietary needs of program participants;

12 “(B) the agency carrying out the project
13 provides flexibility to local meal providers in de-
14 signing meals that are appealing to program
15 participants;

16 “(C) the agency carrying out the project
17 encourages meal providers to enter into con-
18 tracts that limit the amount of time that meals
19 may spend in transit before the meals are
20 consumed;

21 “(D) the agency carrying out the project,
22 where feasible, encourages arrangements with
23 schools and other facilities serving meals to
24 children in order to promote intergenerational
25 meal programs;

1 “(E) the agency carrying out the project
2 provides that meals, other than home-delivered
3 meals, are provided in settings in as close prox-
4 imity to the majority of the residences of eligi-
5 ble older individuals served by the project as is
6 feasible;

7 “(F) the agency carrying out the project
8 ensures that meal providers carry out such
9 project with the advice of dietitians (or individ-
10 uals with comparable expertise in the planning
11 of nutritional services); meal participants; and
12 other individuals who are knowledgeable with
13 regard to the needs of older individuals;

14 “(G) the agency carrying out the project
15 ensures that each participating area agency on
16 aging establishes procedures that allow nutri-
17 tion project administrators the option to offer a
18 meal, on the same basis as meals provided to
19 participating older individuals; to individuals
20 providing volunteer services during the meal
21 hours; and to individuals with disabilities who
22 reside at home with, and accompany to the
23 meal; older individuals eligible for a meal under
24 this subtitle;

“(H) the agency carrying out the project ensures that nutrition services will be available to older individuals and to their spouses, and may be made available to individuals with disabilities who are not older individuals but who reside in housing facilities that are occupied primarily by older individuals and at which congregate nutrition services are provided;

“(I) the project, where appropriate, provides for nutrition education, counseling, and screening; and

“(J) the agency carrying out the project ensures that meal providers carry out such project in accordance with applicable State and local laws relating to food service.

“TITLE IV—NATIVE AMERICAN PROGRAMS ON AGING

“SEC. 401. GRANTS FOR SERVICES TO NATIVE AMERICANS.

“(a) **AUTHORITY TO MAKE GRANTS.**—The Assistant Secretary may make grants to organizations that meet the requirements of subsection (b) and section 402 (referred to individually in this title as an ‘eligible organization’) to pay for 100 percent of the costs of projects for delivery of supportive services, and nutrition services, for older individuals who are Native Americans.

1 “(b) ELIGIBILITY OF ORGANIZATIONS.—An organi-
 2 zation shall be eligible to receive a grant under this title
 3 only if the organization is—

4 “(1) a tribal organization that—

5 “(A) represents at least 50 older individ-
 6 uals; and

7 “(B) demonstrates the ability to deliver
 8 supportive services and nutrition services;

9 “(2) an Alaska Native organization that—

10 “(A) represents at least 50 older individ-
 11 uals; and

12 “(B) demonstrates the ability to deliver
 13 supportive services and nutrition services; or

14 “(3) a public or nonprofit private organization
 15 that—

16 “(A) is primarily controlled by and com-
 17 prised of Native Hawaiians;

18 “(B) will serve at least 50 older individuals
 19 who are Native Hawaiians; and

20 “(C) demonstrates the ability to deliver
 21 supportive services and nutrition services.

22 **“SEC. 402. APPLICATIONS FOR GRANTS.**

23 “(a) REQUIREMENT.—To be eligible to receive a
 24 grant under this title, an organization shall submit an ap-
 25 plication to the Assistant Secretary at such time, in such

1 form, and containing such information as the Assistant
2 Secretary may establish by rule. Each such application
3 shall—

4 “(1) provide an assurance that such organiza-
5 tion will evaluate the need for supportive services
6 and nutrition services among older individuals who
7 are—

8 “(A) Indians represented by the organiza-
9 tion submitting the application if such organiza-
10 tion is a tribal organization described in section
11 401(b)(1);

12 “(B) Alaska Natives represented by the or-
13 ganization submitting the application if such or-
14 ganization is an Alaska Native organization de-
15 scribed in section 401(b)(2); or

16 “(C) Native Hawaiians to be served by the
17 organization submitting the application if such
18 organization is an organization described in sec-
19 tion 401(b)(3);

20 “(2) provide for the use of such methods of ad-
21 ministration as are necessary for the proper and ef-
22 ficient administration of the project to be carried out
23 with such grant;

24 “(3) provide an assurance that such organiza-
25 tion will make such reports at such time, in such

1 form, and containing such information, as the As-
2 sistant Secretary may reasonably require, and com-
3 ply with such requirements as the Assistant Sec-
4 retary may impose to ensure the correctness of such
5 reports;

6 “(4) provide for periodic evaluation of the
7 project to be carried out with such grant;

8 “(5) contain information describing objectives
9 toward which such project will be directed, identify
10 obstacles to the attainment of such objectives, and
11 indicate the manner in which such organization pro-
12 poses to overcome such obstacles;

13 “(6) provide for establishing and maintaining
14 information and assistance services to ensure that
15 older individuals who are served by such project will
16 have reasonably convenient access to the services
17 and activities provided by such project;

18 “(7) provide an assurance that the organization
19 will, whenever feasible, give preference to older indi-
20 viduals who are Native Americans in hiring individ-
21 uals for full- or part-time staff positions;

22 “(8) provide an assurance that, either directly
23 or by way of grant or contract with appropriate enti-
24 ties, the organization will—

1 “(A) ensure that nutrition services will be
2 delivered to older individuals as described in
3 paragraph (1); and

4 “(B) substantially comply with subtitle C
5 of title III, except that in any case in which the
6 need of such individuals for nutrition services is
7 already met from other sources, such organiza-
8 tion may expend for supportive services the
9 funds otherwise required to be expended under
10 this paragraph;

11 “(9) provide an assurance that in providing any
12 legal services or ombudsman services to older indi-
13 viduals as described in paragraph (1), the organiza-
14 tion will substantially comply with the provisions of
15 subtitles A and B of title II, and subtitles A and B
16 of title III, relating to furnishing similar services;

17 “(10) provide an assurance that the organiza-
18 tion will adopt such fiscal control and fund account-
19 ing procedures as may be necessary to ensure proper
20 disbursement of, and accounting for, Federal funds
21 paid under this title to such organization, including
22 any funds paid by such organization to a recipient
23 of a grant or contract under this title;

24 “(11) provide an assurance that such organiza-
25 tion will coordinate services provided under this title

1 with services provided under subtitles B and C of
 2 title II, and subtitles B and C of title III, in the
 3 same geographical area; and

4 “(12) if the organization elects to solicit vol-
 5 untary contributions from older individuals, provide
 6 an assurance that such organization will ensure
 7 that—

8 “(A) the amount of the contributions will
 9 be based on the ability of the older individuals
 10 to make such contributions; and

11 “(B) the contributions will be used to in-
 12 crease, or to expand access to, services provided
 13 under this title.

14 “(b) POPULATION STATISTICS.—For the purpose of
 15 obtaining information for any application submitted under
 16 subsection (a) for a grant, an organization may develop
 17 population statistics for the population to be served under
 18 the grant, with a certification from the Bureau of Indian
 19 Affairs, in order to establish eligibility to receive a grant
 20 under this title.

21 “(c) APPROVAL OF APPLICATION.—The Assistant
 22 Secretary shall approve any application that complies with
 23 subsection (a).

24 “(d) APPLICATION NOT APPROVED.—Whenever the
 25 Assistant Secretary determines that the Assistant Sec-

1 retary will not approve an application submitted under
 2 subsection (a) by an organization the Assistant Secretary
 3 shall—

4 “(1) provide objections relating to the applica-
 5 tion in writing to the organization within 60 days
 6 after such determination;

7 “(2) provide, to the extent practicable, technical
 8 assistance to the organization to overcome such ob-
 9 jections; and

10 “(3) provide the organization with a hearing,
 11 under such rules as the Assistant Secretary may
 12 issue.

13 “(e) PERIOD FUNDED.—Whenever the Assistant Sec-
 14 retary approves an application of an organization under
 15 subsection (c), the Assistant Secretary shall make a grant
 16 to the organization under this title for a period of not less
 17 than 12 months.

18 **“SEC. 403. DISTRIBUTION OF FUNDS AMONG ELIGIBLE OR-**
 19 **GANIZATIONS.**

20 “(a) MAINTENANCE of 1991 AMOUNTS.—Subject to
 21 the availability of appropriations to carry out this title,
 22 the amount of a grant (if any) made under this title to
 23 an eligible organization for fiscal year 1997 or a subse-
 24 quent fiscal year shall be not less than the amount of the
 25 grant made to the eligible organization for fiscal year

1 1991 under part A or B of title VI (as in effect on Septem-
 2 ber 30, 1990).

3 “(b) USE OF ADDITIONAL AMOUNTS APPRO-
 4 PRIATED.—If the amount appropriated to carry out this
 5 title for fiscal year 1997 or a subsequent fiscal year ex-
 6 ceeds the amount appropriated to carry out parts A and
 7 B of such title VI for fiscal year 1991, the amount of the
 8 grant (if any) made under this title to an eligible organiza-
 9 tion for such subsequent fiscal year shall be—

10 “(1) increased by such amount as the Assistant
 11 Secretary considers to be appropriate, in addition to
 12 any amount required by subsection (a), so that the
 13 grant equals or more closely approaches the amount
 14 of the grant made to the eligible organization for fis-
 15 cal year 1980 under part A of title VI (as in effect
 16 on September 30, 1979) or for fiscal year 1995
 17 under part B of title VI (as in effect on September
 18 30, 1994); or

19 “(2) an amount the Assistant Secretary consid-
 20 ers to be sufficient, if the eligible organization did
 21 not receive a grant under part A or B of title VI for
 22 either fiscal year 1980 or fiscal year 1991 (as in ef-
 23 fect on September 30, 1979 or September 30, 1990,
 24 as appropriate).

1 **“SEC. 404. SURPLUS EDUCATIONAL FACILITIES.**

2 **“(a) REQUIREMENT.—**

3 **“(1) AVAILABILITY.—**Notwithstanding any
4 other provision of law, the Secretary of the Interior
5 shall—

6 **“(A)** make a surplus Indian educational fa-
7 cility or a surplus Alaska Native educational fa-
8 cility available for use as a multipurpose senior
9 center—

10 **“(i)** to an organization described in
11 section 401(b)(1) or an organization de-
12 scribed in section 401(b)(2), respectively;
13 or

14 **“(ii)** with the approval of the Indian
15 tribe or Alaska Native organization in-
16 volved, to a public or nonprofit private or-
17 ganization; and

18 **“(B)** make any other surplus educational
19 facility that is under the control of the Sec-
20 retary of the Interior and is located in Hawaii
21 available for use as a multipurpose senior cen-
22 ter, to an organization described in section
23 401(b)(3).

24 **“(2) ALTERATION TO PROVIDE CERTAIN SERV-**
25 **ICES.—**Such centers may be altered so as to provide
26 extended care facilities, community center facilities,

1 nutrition services, adult day-care services, child care
2 services, or other supportive services.

3 ~~“(b) APPLICATION.—To be eligible to receive a sur-~~
4 ~~plus educational facility made available under subsection~~
5 ~~(a), an organization described in section 401(b) shall sub-~~
6 ~~mit an application to the Secretary of the Interior at such~~
7 ~~time, in such form, and containing such information, as~~
8 ~~the Secretary of the Interior determines to be necessary~~
9 ~~to carry out this section.~~

10 **~~“SEC. 405. ADMINISTRATION.~~**

11 ~~“For the purpose of issuing rules to carry out this~~
12 ~~title, the Secretary, acting through the Assistant Sec-~~
13 ~~retary, shall consult with the Secretary of the Interior.~~

14 **~~“SEC. 406. PAYMENTS.~~**

15 ~~“Payments may be made under this title (after nec-~~
16 ~~essary adjustments on account of previously made over-~~
17 ~~payments or underpayments) in advance or by way of re-~~
18 ~~imbursement and in such installments and on such condi-~~
19 ~~tions as the Assistant Secretary may determine to be ap-~~
20 ~~propriate.~~

21 **~~“SEC. 407. AUTHORIZATION OF APPROPRIATIONS.~~**

22 ~~“There are authorized to be appropriated to carry out~~
23 ~~this title, such sums as may be necessary for fiscal years~~
24 ~~1997 through 2001.”.~~

1 **SEC. 5. CONFORMING AMENDMENTS.**

2 (a) ~~AGRICULTURE AND FOOD ACT OF 1981.~~—See
 3 tion ~~1114(2)~~ of the Agriculture and Food Act of 1981 (~~7~~
 4 U.S.C. ~~1431e(2)~~) is amended in subparagraphs (C) and
 5 (D) by striking “section ~~311(a)(4)~~ of the Older Americans
 6 Act of 1965 (~~42 U.S.C. 3030a(a)(4)~~)” each place it ap-
 7 pears and inserting “subtitle C of title III of the Older
 8 Americans Act of 1965”.

9 (b) ~~JOB TRAINING PARTNERSHIP ACT.~~—

10 (1) Section 204(d) of the Job Training Partner-
 11 ship Act (~~29 U.S.C. 1604(d)~~) is amended—

12 (A) in paragraph (4) by striking “title V
 13 of the Older Americans Act of 1965 (~~42 U.S.C.~~
 14 ~~3056 et seq.~~)” and inserting “subtitle C of title
 15 H of the Older Americans Act of 1965”; and

16 (B) in paragraph (5)(B)(i) by striking
 17 “title V of the Older Americans Act of 1965
 18 (~~42 U.S.C. 3056 et seq.~~)” and inserting “sub-
 19 title C of title H of the Older Americans Act of
 20 1965”.

21 (2) Section 205(a)(8) of such Act (~~29 U.S.C.~~
 22 ~~1605(a)(8)~~) is amended to read as follows:

23 “~~(8)~~ subtitle C of title H of the Older Ameri-
 24 cans Act of 1965;”.

25 (3) Section 455(b) of such Act (~~29 U.S.C.~~
 26 ~~1735(b)~~) is amended by striking “title V of the

1 Older Americans Act of 1965 (42 U.S.C. 3056 et
2 seq.)” and inserting “subtitle C of title II of the
3 Older Americans Act of 1965”.

4 (c) ~~TECHNOLOGY-RELATED ASSISTANCE FOR INDIVIDUALS WITH DISABILITIES ACT OF 1988.~~—Section
5 ~~102(c)(23)(G)~~ of the ~~Technology-Related Assistance for~~
6 ~~Individuals With Disabilities Act of 1988~~ (29 U.S.C.
7 ~~2212(c)(23)(G)~~) is amended by striking “any council es-
8 tablished under section 204, 206(g)(2)(A), or
9 712(a)(3)(H) of the Older Americans Act of 1965 (42
10 U.S.C. 3015, 3017(g)(2)(A), or 3058g(a)(3)(H))” and in-
11 serting “section 212(c)(3)(G) or 302(a)(5)(D) of the
12 Older Americans Act of 1965”.

13 (d) ~~TITLE 31, UNITED STATES CODE.~~—Section
14 ~~3803(c)(2)(C)(xi)~~ of title 31, United States Code is
15 amended by striking “benefits under section 336 of the
16 Older Americans Act” and inserting “benefits under sub-
17 title C of title III of the Older Americans Act of 1965”.

18 (e) ~~OMNIBUS BUDGET RECONCILIATION ACT OF~~
19 ~~1990.~~—Section ~~4360(d)(1)(C)(ii)~~ of the Omnibus Budget
20 Reconciliation Act of 1990 (42 U.S.C. 1395b-
21 ~~4(d)(1)(C)(ii)~~) is amended by inserting “of 1965” after
22 “Older Americans Act”.

23 (f) ~~SOCIAL SECURITY ACT.~~—

(1) Section 1819 of the Social Security Act (42 U.S.C. 1395i-3) is amended—

(A) in subsection (b)(4)(C)(ii)(IV) by striking “section 307(a)(12) of the Older Americans Act of 1965” and inserting “subtitle B of title II of the Older Americans Act of 1965”;

(B) in subsection (c)(2)(B)(iii)(II) by striking “title III or VII of the Older Americans Act of 1965 in accordance with section 712 of the Act” and inserting “subtitle B of title II of the Older Americans Act of 1965”; and

(C) in subsection (g)(5)(B) by striking “title III or VII of the Older Americans Act of 1965 in accordance with section 712 of the Act” and inserting “subtitle B of title II of the Older Americans Act of 1965”.

(2) Section 1919 of such Act (42 U.S.C. 1396r) is amended—

(A) in subsection (b)(4)(C)(ii)(IV) by striking “section 307(a)(12) of the Older Americans Act of 1965” and inserting “subtitle B of title II of the Older Americans Act of 1965”;

(B) in subsection (c)(2)(B)(iii)(II) by striking “title III or VII of the Older Ameri-

1 eans Act of 1965” and inserting “subtitle B of
2 title II of the Older Americans Act of 1965”;
3 and

4 (C) in subsection (g)(5)(B) by striking
5 “title III or VII of the Older Americans Act of
6 1965 in accordance with section 712 of the
7 Act” and inserting “subtitle B of title II of the
8 Older Americans Act of 1965”.

9 (g) HOUSING AND COMMUNITY DEVELOPMENT ACT
10 OF 1974.—The last sentence of section 209 of the Hous-
11 ing and Community Development Act of 1974 (42 U.S.C.
12 1438) is amended by striking “title III of the Older Amer-
13 icans Act of 1965” and inserting “subtitle A of title II,
14 and subtitle A of title III, of the Older Americans Act
15 of 1965”.

16 (h) NATIONAL SCHOOL LUNCH ACT.—

17 (1) Section 14 of the National School Lunch
18 Act (42 U.S.C. 1762a) is amended—

19 (A) in subsection (a)(1) by striking “title
20 III of the Older Americans Act of 1965” and
21 inserting “subtitle C of title III of the Older
22 Americans Act of 1965”; and

23 (B) in subsection (e) by striking “section
24 311(a)(4) of the Older Americans Act of 1965
25 (42 U.S.C. 3030(a)(4)) or for cash payments in

1 lieu of such donations under section 311(b)(1)
 2 of such Act (42 U.S.C. 3030(b)(1))” and in-
 3 serting “subtitle C of title III of the Older
 4 Americans Act of 1965”.

5 (2) Section 17(o)(3)(B) of such Act (42 U.S.C.
 6 1766(o)(3)(B)) is amended by striking “part C of
 7 title III of the Older Americans Act of 1965” and
 8 inserting “subtitle C of title III of the Older Ameri-
 9 cans Act of 1965”.

10 (i) ENVIRONMENTAL PROGRAMS ASSISTANCE ACT OF
 11 1984.—Section 2(a) of the Environmental Programs As-
 12 sistance Act of 1984 (42 U.S.C. 4368a(a)) is amended by
 13 striking “title V of the Older Americans Act of 1965” each
 14 place it appears and inserting “subtitle C of title II of
 15 the Older Americans Act of 1965”.

16 (j) INTERGOVERNMENTAL PERSONNEL ACT OF
 17 1970.—Section 208(a)(3)(B) of the Intergovernmental
 18 Personnel Act of 1970 (42 U.S.C. 4728(a)(3)(B)) is
 19 amended by inserting before the semicolon the following
 20 “(as in effect on January 4, 1971)”.

21 (k) NOISE CONTROL ACT OF 1972.—Section 14(g)
 22 of the Noise Control Act of 1972 (42 U.S.C. 4913(g)) is
 23 amended by inserting “of 1965” after “Older Americans
 24 Act”.

1 ~~(l) DOMESTIC VOLUNTEER SERVICE ACT OF 1973.—~~

2 ~~Section 221(a)(2)(A)(ii) of the Domestic Volunteer Serv-~~
 3 ~~ice Act of 1973 (42 U.S.C. 5021(a)(2)(A)(ii)) is amended~~
 4 ~~by striking “title III of the Older Americans Act of 1965”~~
 5 ~~and inserting “subtitle B of title II, and subtitles B and~~
 6 ~~C of title III, of the Older Americans Act of 1965”.~~

7 ~~(m) DEVELOPMENTAL DISABILITIES ASSISTANCE~~
 8 ~~AND BILL OF RIGHTS ACT.—Section 124(b)(3) of the De-~~
 9 ~~velopmental Disabilities Assistance and Bill of Rights Act~~
 10 ~~(42 U.S.C. 6024(b)(3)) is amended by inserting “of 1965”~~
 11 ~~after “Older Americans Act”.~~

12 ~~(n) ENERGY CONSERVATION IN EXISTING BUILD-~~
 13 ~~INGS ACT OF 1976.—Section 412(6) of the Energy Con-~~
 14 ~~servation in Existing Buildings Act of 1976 (42 U.S.C.~~
 15 ~~6862(6)) is amended by striking “paragraphs (4), (5), and~~
 16 ~~(6), respectively, of section 102 of the Older Americans~~
 17 ~~Act of 1965” and inserting “paragraphs (24)(A), (25)(A),~~
 18 ~~and (50)(A), respectively, of section 102 of the Older~~
 19 ~~Americans Act of 1965”.~~

20 ~~(o) CRANSTON-GONZALEZ NATIONAL AFFORDABLE~~
 21 ~~HOUSING ACT.—~~

22 ~~(1) Section 802(d)(2)(B)(i) of the Cranston-~~
 23 ~~Gonzalez National Affordable Housing Act (42~~
 24 ~~U.S.C. 8011(d)(2)(B)(i)) is amended by striking~~
 25 ~~“title III of the Older Americans Act of 1965” and~~

1 inserting “subtitle C of title III of the Older Ameri-
 2 cans Act of 1965”.

3 ~~(2) Section 803(d)(12) of such Act (42 U.S.C.~~
 4 ~~8012(d)(12))~~ is amended by striking “under title III
 5 of the Older Americans Act of 1965” and inserting
 6 “designated under title II of the Older Americans
 7 Act of 1965”.

8 ~~(p) ALZHEIMER’S DISEASE AND RELATED DEMEN-~~
 9 ~~TIAS RESEARCH ACT OF 1992.—~~

10 ~~(1) Section 934(b)(4) of the Alzheimer’s Dis-~~
 11 ~~ease and Related Dementias Research Act of 1992~~
 12 ~~(42 U.S.C. 11261(b)(4))~~ is amended by striking
 13 “section 305(a) (1) and (2)(A) of the Older Ameri-
 14 cans Act of 1965 (42 U.S.C. 3025(a) (1) and
 15 (2)(A))” and inserting “paragraphs (1) and (2)(A)
 16 of section 201(a) of the Older Americans Act of
 17 1965”.

18 ~~(2) Section 962(d) of such Act (42 U.S.C.~~
 19 ~~11292(d))~~ is amended by striking “section 305(a)(1)
 20 of the Older Americans Act of 1965” and inserting
 21 “section 201(a)(1) of the Older Americans Act of
 22 1965”.

23 **SEC. 6. REFERENCES TO PRECEDING FISCAL YEAR.**

24 Any reference in the Older Americans Act of 1965
 25 to “the preceding fiscal year” that applies with respect

1 to funds received to carry out a program, project, or activ-
 2 ity under such Act for a fiscal year shall be deemed to
 3 be a reference to funds received to carry out the cor-
 4 responding program, project, or activity under such Act
 5 for the preceding fiscal year.

6 **SEC. 7. ISSUANCE OF RULES.**

7 In addition to the rules issued under section 9(f), not
 8 later than 180 days after the date of enactment of this
 9 Act, the Secretary of Health and Human Services shall
 10 issue, and publish in the Federal Register, proposed rules
 11 for the administration of the Older Americans Act of 1965
 12 (as amended in section 4). After allowing a reasonable pe-
 13 riod for public comment on such proposed rules, and not
 14 later than 90 days after such publication, the Secretary
 15 shall issue final rules for the administration of such Act.

16 **SEC. 8. APPLICATION OF AMENDMENTS.**

17 (a) FISCAL YEAR 1996.—

18 (1) COMMUNITY SERVICE EMPLOYMENT.—The
 19 amendment made by section 3 shall apply only with
 20 respect to fiscal year 1996 and to funds appro-
 21 priated for such fiscal year to carry out title V of
 22 the Older Americans Act of 1965 (42 U.S.C. 3056
 23 et seq.).

24 (2) ENFORCEMENT.—The authority of the Sec-
 25 retary of Labor to enforce compliance with the re-

1 requirements applicable to such title with respect to
 2 actions taken prior to the effective date of section 3,
 3 shall not be affected by the amendment made by sec-
 4 tion 3.

5 (b) FISCAL YEARS 1997–2001.—The amendment
 6 made by section 4 shall not apply with respect to fiscal
 7 years beginning before October 1, 1996.

8 **SEC. 9. TRANSFER OF FUNCTIONS.**

9 (a) DEFINITIONS.—For purposes of this section, un-
 10 less otherwise provided or indicated by the context—

11 (1) the term “Federal agency” has the meaning
 12 given to the term “agency” by section 551(1) of title
 13 5, United States Code;

14 (2) the term “function” means any duty, obli-
 15 gation, power, authority, responsibility, right, privi-
 16 lege, activity, or program; and

17 (3) the term “office” includes any office, ad-
 18 ministration, agency, institute, unit, organizational
 19 entity, or component thereof.

20 (b) TRANSFER OF FUNCTIONS.—

21 (1) IN GENERAL.—There are transferred to the
 22 Department of Health and Human Services all func-
 23 tions that the Secretary of Labor exercised before
 24 the effective date of this section (including all relat-

1 ed functions of any officer or employee of the De-
 2 partment of Labor) that—

3 (A) relate to title V of the Older Ameri-
 4 cans Act of 1965 (as in effect on the day before
 5 the effective date of this section); and

6 (B) that are minimally necessary to carry
 7 out title V of such Act (as in effect on the day
 8 after the effective date of this section).

9 (2) TERMINATION OF AUTHORITY.—Except as
 10 otherwise specifically provided in this Act, the au-
 11 thority of a transferred employee to carry out a
 12 function that relates to title V of the Older Ameri-
 13 cans Act of 1965 (as in effect on the day before the
 14 effective date of this section) and is not transferred
 15 under this Act shall terminate on the effective date
 16 of this section.

17 (c) DETERMINATIONS OF CERTAIN FUNCTIONS BY
 18 THE OFFICE OF MANAGEMENT AND BUDGET.—If nec-
 19 essary, the Office of Management and Budget shall make
 20 any determination of the functions that are transferred
 21 under subsection (b).

22 (d) DELEGATION AND ASSIGNMENT.—Except where
 23 otherwise expressly prohibited by law or otherwise pro-
 24 vided by this section, the Secretary of Health and Human
 25 Services may delegate any of the functions transferred to

1 the Department of Health and Human Services by this
2 section and any function transferred or granted to the De-
3 partment of Health and Human Services after the effec-
4 tive date of this section to such officers and employees
5 of the Department of Health and Human Services as the
6 Secretary of Health and Human Services may designate,
7 and may authorize successive redelegations of such func-
8 tions as may be necessary or appropriate. No delegation
9 of functions by the Secretary of Health and Human Serv-
10 ices under this subsection or under any other provision
11 of this section shall relieve such Secretary of Health and
12 Human Services of responsibility for the administration
13 of such functions.

14 (e) REORGANIZATION.—The Secretary of Health and
15 Human Services may allocate or reallocate any function
16 transferred under subsection (b) among the officers of the
17 Department of Health and Human Services, and establish,
18 consolidate, alter, or discontinue such organizational enti-
19 ties in the Department of Health and Human Services as
20 may be necessary or appropriate.

21 (f) RULES.—Not later than 30 days after the date
22 of enactment of this Act, the Secretary of Health and
23 Human Services shall issue, and publish in the Federal
24 Register, proposed rules for the administration of title V
25 of the Older Americans Act of 1965 (as amended in sec-

tion 3). After allowing a reasonable period for public comment on such proposed rules, and not later than July 1, 1996, the Secretary shall issue final rules for the administration of such title.

(g) ~~TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL.~~—

(1) ~~IN GENERAL.~~—Except as otherwise provided in this section, the personnel employed in connection with, and the assets, liabilities, contracts, grants, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with the functions transferred by this section, subject to section 1531 of title 31, United States Code, shall be transferred to the Department of Health and Human Services. Unexpended funds transferred pursuant to this subsection shall be used only to carry out the functions of the Department of Health and Human Services under title V of the Older Americans Act of 1965 (as in effect on the day after the effective date of this section).

(2) ~~EXISTING FACILITIES AND OTHER FEDERAL RESOURCES.~~—Pursuant to paragraph (1), the Secretary of Health and Human Services shall supply

1 such office facilities, office supplies, support services,
2 and related expenses as may be minimally necessary
3 to carry out such functions. None of the funds made
4 available under this Act, or an amendment made by
5 this Act, may be used for the construction of office
6 facilities.

7 (h) ~~INCIDENTAL TRANSFERS.~~—The Director of the
8 Office of Management and Budget, at such time or times
9 as the Director shall provide, may make such determina-
10 tions as may be necessary with regard to the functions
11 transferred by this section, and make such additional inci-
12 dental dispositions of personnel, assets, liabilities, grants,
13 contracts, property, records, and unexpended balances of
14 appropriations, authorizations, allocations, and other
15 funds held, used, arising from, available to, or to be made
16 available in connection with such functions, as may be nec-
17 essary to carry out this section. The Director of the Office
18 of Management and Budget shall provide for the termi-
19 nation of the affairs of all entities terminated by this sec-
20 tion and for such further measures and dispositions as
21 may be necessary to effectuate the objectives of this sec-
22 tion.

23 (i) ~~EFFECT ON PERSONNEL.~~—

24 (1) ~~TERMINATION OF CERTAIN POSITIONS.~~—

25 Positions whose incumbents are appointed by the

1 President, by and with the advice and consent of the
 2 Senate, the functions of which are transferred by
 3 this section, shall terminate on the effective date of
 4 this section.

5 (2) ACTIONS.—The Secretary of Health and
 6 Human Services shall take such actions as may be
 7 necessary, including reduction in force actions, con-
 8 sistent with sections 3502 and 3595 of title 5, Unit-
 9 ed States Code, to ensure that the personnel whose
 10 positions relate to a function described in subsection
 11 (b)(1)(A) and are not transferred under subsection
 12 (b) are separated from service.

13 (j) SAVINGS PROVISIONS.—

14 (1) CONTINUING EFFECT OF LEGAL DOCU-
 15 MENTS.—All orders, determinations, rules, regula-
 16 tions, permits, agreements, grants, contracts, certifi-
 17 cates, licenses, registrations, privileges, and other
 18 administrative actions—

19 (A) that have been issued, made, granted,
 20 or allowed to become effective by the President,
 21 any Federal agency or official of a Federal
 22 agency, or by a court of competent jurisdiction,
 23 in the performance of functions that are trans-
 24 ferred under this section; and

1 ~~(B)~~ that were in effect before the effective
 2 date of this section, or were final before the ef-
 3 fective date of this section and are to become
 4 effective on or after the effective date of this
 5 section;

6 shall continue in effect according to their terms until
 7 modified, terminated, superseded, set aside, or re-
 8 voked in accordance with law by the President, the
 9 Secretary of Health and Human Services or other
 10 authorized official, a court of competent jurisdiction,
 11 or by operation of law.

12 ~~(2) PROCEEDINGS NOT AFFECTED.—~~

13 ~~(A) IN GENERAL.—~~This section shall not
 14 affect any proceedings, including notices of pro-
 15 posed rulemaking, or any application for any li-
 16 cense, permit, certificate, or financial assistance
 17 pending before the Department of Labor on the
 18 effective date of this section, with respect to
 19 functions transferred by this section.

20 ~~(B) CONTINUATION.—~~Such proceedings
 21 and applications shall be continued. Orders
 22 shall be issued in such proceedings, appeals
 23 shall be taken from the orders, and payments
 24 shall be made pursuant to the orders, as if this
 25 section had not been enacted, and orders issued

1 in any such proceedings shall continue in effect
2 until modified, terminated, superseded, or re-
3 voked by a duly authorized official, by a court
4 of competent jurisdiction, or by operation of
5 law.

6 (C) CONSTRUCTION.—Nothing in this
7 paragraph shall be construed to prohibit the
8 discontinuance or modification of any such pro-
9 ceeding under the same terms and conditions
10 and to the same extent that such proceeding
11 could have been discontinued or modified if this
12 section had not been enacted.

13 (3) SUITS NOT AFFECTED.—This section shall
14 not affect suits commenced before the effective date
15 of this section, and in all such suits, proceedings
16 shall be had, appeals taken, and judgments rendered
17 in the same manner and with the same effect as if
18 this section had not been enacted.

19 (4) NONABATEMENT OF ACTIONS.—No suit, ac-
20 tion, or other proceeding commenced by or against
21 the Department of Labor, or by or against any indi-
22 vidual in the official capacity of such individual as
23 an officer of the Department of Labor, shall abate
24 by reason of the enactment of this section.

1 (5) ADMINISTRATIVE ACTIONS RELATING TO
 2 PROMULGATION OF REGULATIONS.—Any administra-
 3 tive action relating to the preparation or promulga-
 4 tion of a regulation by the Department of Labor re-
 5 lating to a function transferred under this section
 6 may be continued by the Department of Health and
 7 Human Services with the same effect as if this sec-
 8 tion had not been enacted.

9 (k) TRANSITION.—The Secretary of Health and
 10 Human Services may utilize—

11 (1) the services of officers, employees, and other
 12 personnel of the Department of Labor with respect
 13 to functions transferred to the Department of
 14 Health and Human Services by this section; and

15 (2) funds appropriated to such functions;
 16 for such period of time as may reasonably be needed to
 17 facilitate the orderly implementation of this section.

18 (l) REFERENCES.—A reference in any other Federal
 19 law, Executive order, rule, regulation, or delegation of au-
 20 thority, or any document of or relating to—

21 (1) the Secretary of Labor with regard to func-
 22 tions transferred under subsection (b); shall be
 23 deemed to refer to the Secretary of Health and
 24 Human Services; and

1 (2) the Department of Labor with regard to
 2 functions transferred under subsection (b); shall be
 3 deemed to refer to the Department of Health and
 4 Human Services.

5 (m) ADDITIONAL CONFORMING AMENDMENTS.—

6 (1) RECOMMENDED LEGISLATION.—After con-
 7 sultation with the appropriate committees of Con-
 8 gress and the Director of the Office of Management
 9 and Budget, the Secretary of Health and Human
 10 Services shall prepare and submit to Congress rec-
 11 ommended legislation containing technical and con-
 12 forming amendments to reflect the changes made by
 13 this section.

14 (2) SUBMISSION TO CONGRESS.—Not later than
 15 90 days after the date of enactment of this Act, the
 16 Secretary of Health and Human Services shall sub-
 17 mit the recommended legislation referred to in para-
 18 graph (1).

19 **SEC. 10. EFFECTIVE DATES.**

20 (a) GENERAL EFFECTIVE DATE.—Except as pro-
 21 vided in subsection (b), this Act and the amendments
 22 made by this Act shall take effect on the date of enactment
 23 of this Act.

24 (b) SPECIAL EFFECTIVE DATES.—

(1) COMMUNITY SERVICE EMPLOYMENT.—Section 9 (other than subsections (f) and (m) of such section); and the amendment made by section 3, shall take effect on July 1, 1996.

(2) OTHER PROGRAMS.—The amendments made by sections 4 and 5 shall take effect on October 1, 1996.

8 **SECTION 1. SHORT TITLE.**

9 *This Act may be cited as the “Older Americans*
10 *Amendments of 1996”.*

11 **SEC. 2. TABLE OF CONTENTS.**

12 *The table of contents for this Act is as follows:*

Sec. 1. Short title.

Sec. 2. Table of contents.

Sec. 3. Amendment to the Older American Community Service Employment Act for fiscal year 1996.

Sec. 4. Amendment to the Older Americans Act of 1965.

Sec. 5. Conforming amendments.

Sec. 6. References to preceding fiscal year.

Sec. 7. Issuance of rules.

Sec. 8. Application of amendments.

Sec. 9. Transfer of functions.

Sec. 10. Effective dates.

13 **SEC. 3. AMENDMENT TO THE OLDER AMERICAN COMMU-**
14 **NITY SERVICE EMPLOYMENT ACT FOR FISCAL**
15 **YEAR 1996.**

(a) *IN GENERAL.—The Older American Community Service Employment Act (42 U.S.C. 3056–3056i) is amended to read as follows:*

1 **“TITLE V—SENIOR COMMUNITY**
 2 **SERVICE EMPLOYMENT PRO-**
 3 **GRAM**

4 **“SEC. 501. SHORT TITLE.**

5 *“This title may be cited as the ‘Older American Com-*
 6 *munity Service Employment Act’.*

7 **“SEC. 502. ALLOTMENT OF FUNDS FOR FISCAL YEAR 1996.**

8 *“(a) ALLOTMENT.—*

9 *“(1) RESERVATION OF FUNDS FOR TRIBAL ORGA-*
 10 *NIZATIONS.—Of the amount appropriated under sec-*
 11 *tion 507 for fiscal year 1996, the Assistant Secretary*
 12 *shall reserve not more than 1.3 percent for making*
 13 *grants under this title to tribal organizations.*

14 *“(2) ALLOTMENT OF FUNDS.—*

15 *“(A) ALLOTMENT.—After reserving funds*
 16 *under paragraph (1), the Assistant Secretary*
 17 *shall allot the remainder of the amount appro-*
 18 *priated under section 507 for fiscal year 1996*
 19 *among the States as follows:*

20 *“(i) IN GENERAL.—Each State shall be*
 21 *allotted an amount equal to the product*
 22 *of—*

23 *“(I) the base percentage rate for*
 24 *such fiscal year; and*

1 “(II) a sum that bears the same
 2 ratio to such remainder for such fiscal
 3 year as the amount of funds allotted to
 4 such State for fiscal year 1995 to carry
 5 out this title (as in effect on the day
 6 before the date of enactment of the
 7 Older Americans Amendments of 1996)
 8 bears to the total amount allotted to all
 9 States for fiscal year 1995 to carry out
 10 such title.

11 “(ii) *BALANCE*.—The balance of the re-
 12 mainder for fiscal year 1996 shall be allot-
 13 ted in accordance with subparagraph (C).

14 “(B) *BASE PERCENTAGE RATES*.—For pur-
 15 poses of subparagraph (A)(i), the base percentage
 16 rate for fiscal year 1996 shall be 80 percent.

17 “(C) *ALLOTMENTS BASED ON AGE AND PER*
 18 *CAPITA INCOME*.—The balance referred to in sub-
 19 paragraph (A)(ii) shall be allotted as follows:

20 “(i) *ALLOTMENT*.—Subject to clause
 21 (ii), each State shall be allotted an amount
 22 equal to the product of—

23 “(I) the allotment percentage of
 24 the State; and

1 “(II) a sum that bears the same
 2 ratio to such balance for such fiscal
 3 year as the number of individuals 55
 4 years of age or older in the State bears
 5 to the population of such individuals
 6 in all States.

7 “(ii) *REDUCTION*.—The amounts allot-
 8 ted under clause (i) shall be reduced propor-
 9 tionately to the extent necessary to increase
 10 other allotments made under such clause to
 11 achieve the following:

12 “(I) *STATES*.—Each State shall
 13 be allotted not less than $\frac{1}{2}$ of 1 percent
 14 of the balance for the fiscal year for
 15 which the determination is made.

16 “(II) *OTHER JURISDICTIONS*.—
 17 Guam, American Samoa, the Virgin
 18 Islands of the United States, and the
 19 Commonwealth of the Northern Mari-
 20 ana Islands shall each be allotted not
 21 less than $\frac{1}{4}$ of 1 percent of the balance
 22 for the fiscal year for which the deter-
 23 mination is made or \$50,000, which-
 24 ever is greater.

1 “(D) *ALLOTMENT PERCENTAGE.*—For pur-
 2 poses of subparagraph (C)(i)—

3 “(i) *except as provided in clauses (ii)*
 4 *through (iv), the allotment percentage of*
 5 *each State shall be 100 percent less the per-*
 6 *centage that bears the same ratio to 50 per-*
 7 *cent as the per capita income of the State*
 8 *bears to the per capita income of all the*
 9 *States;*

10 “(ii) *the allotment percentage for each*
 11 *State shall be not more than 75 percent and*
 12 *not less than 33¹/₃ percent;*

13 “(iii) *the allotment percentage for*
 14 *Guam, American Samoa, the Virgin Islands*
 15 *of the United States, and the Common-*
 16 *wealth of the Northern Mariana Islands*
 17 *shall be 75 percent; and*

18 “(iv) *subject to clause (ii), the allot-*
 19 *ment percentage for a State whose allotment*
 20 *percentage is not adjusted under clause (ii)*
 21 *or (iii) shall be adjusted proportionately to*
 22 *the extent necessary to achieve the percent-*
 23 *ages required under such clauses.*

24 “(E) *LIMITATION.*—For purposes of sub-
 25 paragraphs (C)(ii)(I) and (D)(i), the term

1 ‘State’ does not include Guam, American Samoa,
 2 the Virgin Islands of the United States, or the
 3 Commonwealth of the Northern Mariana Islands.

4 “(F) *POPULATION AND PER CAPITA INCOME*
 5 *DETERMINATIONS.*—For purposes of this para-
 6 graph, the number of individuals 55 years of age
 7 or older in each State, and the per capita income
 8 of each State, shall be determined by the Assist-
 9 ant Secretary on the basis of the most recent
 10 data available from the Bureau of the Census
 11 and other reliable demographic data satisfactory
 12 to the Assistant Secretary.

13 “(b) *REALLOTMENT.*—If any part of the amount allot-
 14 ted under this section to a State for a fiscal year is not
 15 distributed to the State for such fiscal year, such part shall
 16 be reallocated under this section for such fiscal year to the
 17 remaining eligible States.

18 **“SEC. 503. SENIOR COMMUNITY SERVICE EMPLOYMENT**
 19 **PROGRAM.**

20 “(a) *AUTHORITY FOR PROGRAM.*—

21 “(1) *GRANTS.*—With funds allotted under section
 22 502(a), the Assistant Secretary shall make grants to
 23 eligible States and tribal organizations for the pur-
 24 pose of providing, to unemployed low-income older in-
 25 dividuals who have poor employment prospects (as

1 *determined in accordance with standards issued by*
 2 *the States and organizations), part-time employment*
 3 *opportunities providing community services, includ-*
 4 *ing providing services for a business, to the extent*
 5 *permitted by subsection (b)(3).*

6 “(2) *USE OF FUNDS.*—

7 “(A) *WAGES AND BENEFITS.*—

8 “(i) *IN GENERAL.*—*Except as provided*
 9 *in clause (ii) or subparagraph (C) or (D),*
 10 *not less than 90 percent of the funds made*
 11 *available through a grant made under para-*
 12 *graph (1) shall be used to pay wages and*
 13 *benefits for older individuals who are em-*
 14 *ployed under projects carried out under this*
 15 *title.*

16 “(ii) *SMALL STATES.*—*Except as pro-*
 17 *vided in subparagraph (C) or (D), not less*
 18 *than 85 percent of the funds made available*
 19 *through a grant made under paragraph (1)*
 20 *to a small State shall be used to pay wages*
 21 *and benefits for older individuals who are*
 22 *employed under projects carried out under*
 23 *this title.*

24 “(B) *ADMINISTRATIVE COSTS.*—

1 “(i) *IN GENERAL.*—*Except as provided*
 2 *in clause (ii), not more than 10 percent of*
 3 *the funds made available through a grant*
 4 *made under paragraph (1) may be used to*
 5 *pay for administrative costs.*

6 “(ii) *SMALL STATES.*—*Not more than*
 7 *15 percent of the funds made available*
 8 *through a grant made under paragraph (1)*
 9 *to a small State may be used to pay for ad-*
 10 *ministrative costs.*

11 “(C) *OTHER PARTICIPANT COSTS; PROJECTS*
 12 *CARRIED OUT DIRECTLY.*—

13 “(i) *IN GENERAL.*—*A State or tribal*
 14 *organization that receives a grant under*
 15 *paragraph (1) for a project and that elects*
 16 *to carry out the project directly, or through*
 17 *an agreement under subsection (b) with a*
 18 *political subdivision, may request that the*
 19 *Assistant Secretary provide for a fiscal*
 20 *year—*

21 “(I) *a general waiver of subpara-*
 22 *graph (A); or*

23 “(II) *the general waiver and an*
 24 *additional waiver of subparagraph*
 25 *(A).*

1 “(ii) *REQUEST.*—

2 “(I) *IN GENERAL.*—*The State or*
3 *tribal organization shall submit such a*
4 *request at such time, in such form, and*
5 *containing such information as the As-*
6 *stant Secretary may require by rule.*

7 “(II) *INFORMATION FOR ADDI-*
8 *TIONAL WAIVER.*—*Except as provided*
9 *in subclause (III), a State or tribal or-*
10 *ganization that requests such an addi-*
11 *tional waiver for a fiscal year shall*
12 *submit with the request information*
13 *demonstrating that at least 30 percent*
14 *of the participants in the projects car-*
15 *ried out through a grant made under*
16 *paragraph (1) for the previous year to*
17 *the State or organization were placed*
18 *in unsubsidized employment.*

19 “(III) *WAIVER.*—*The Assistant*
20 *Secretary may elect to waive the re-*
21 *quirement described in subclause (II)*
22 *for tribal organizations serving Native*
23 *American populations in which the*
24 *unemployment rate (as determined by*
25 *the Secretary of Labor for the most re-*

1 *cent 12-month period for which data*
2 *are available, prior to the fiscal year*
3 *for which the determination is made)*
4 *exceeds 50 percent.*

5 “(iii) *APPROVAL.—If the Assistant*
6 *Secretary determines that the State or trib-*
7 *al organization has submitted a request that*
8 *meets the requirements of clause (ii), the As-*
9 *stant Secretary shall approve the request.*

10 “(iv) *GENERAL WAIVER.—A State or*
11 *tribal organization that receives only a gen-*
12 *eral waiver referred to in this subparagraph*
13 *may use—*

14 “(I) *not less than 80 percent of*
15 *the funds made available through the*
16 *grant for the fiscal year for which the*
17 *waiver is requested to pay wages and*
18 *benefits described in subparagraph*
19 *(A)(i);*

20 “(II) *not more than 10 percent*
21 *(or not more than 15 percent in the*
22 *case of a small State) of such funds to*
23 *pay for administrative costs; and*

1 “(III) the remaining portion of
2 such funds to pay for other participant
3 costs.

4 “(v) *ADDITIONAL WAIVER.*—A State or
5 tribal organization that receives a general
6 waiver and an additional waiver referred to
7 in this subparagraph may use—

8 “(I) not less than 75 percent of
9 the funds made available through the
10 grant for the fiscal year for which the
11 waiver is requested to pay wages and
12 benefits described in subparagraph
13 (A)(i);

14 “(II) not more than 10 percent
15 (or not more than 15 percent in the
16 case of a small State) of such funds to
17 pay for administrative costs; and

18 “(III) the remaining portion of
19 such funds to pay for other participant
20 costs.

21 “(D) *OTHER PARTICIPANT COSTS; PROJECTS*
22 *CARRIED OUT UNDER AGREEMENTS.*—

23 “(i) *IN GENERAL.*—An entity, other
24 than a State or tribal organization that re-
25 ceives a grant under subsection (a), or a po-

1 *litical subdivision, that carries out a project*
 2 *under a grant made under paragraph (1)*
 3 *may request that the State or tribal organi-*
 4 *zation that received the grant provide for a*
 5 *fiscal year—*

6 *“(I) a general waiver of subpara-*
 7 *graph (A); and*

8 *“(II) an additional waiver of sub-*
 9 *paragraph (A).*

10 *“(ii) APPLICATION OF PROVISIONS.—*
 11 *The provisions of clauses (ii) through (v) of*
 12 *subparagraph (C) shall apply to such re-*
 13 *quests and such general and additional*
 14 *waivers, as appropriate, except that ref-*
 15 *erences in such provisions—*

16 *“(I) to a State or tribal organiza-*
 17 *tion shall be deemed to be references to*
 18 *the entity referred to in clause (i); and*

19 *“(II) to the Assistant Secretary*
 20 *shall be deemed to be references to the*
 21 *State or tribal organization that re-*
 22 *ceived the grant referred to in clause*
 23 *(i).*

24 *“(E) NON-FEDERAL SOURCES.—To the*
 25 *maximum extent practicable, an entity that car-*

1 *ries out a project under this title shall provide*
 2 *for the payment of the costs described in sub-*
 3 *paragraph (B), (C), or (D) from non-Federal*
 4 *sources.*

5 “(b) *ELIGIBILITY FOR GRANTS.*—

6 “(1) *APPLICATION AND AGREEMENTS.*—*To be eli-*
 7 *gible to receive a grant under subsection (a), a State*
 8 *or tribal organization shall submit to the Assistant*
 9 *Secretary an application at such time, in such form,*
 10 *and containing such information as the Assistant*
 11 *Secretary may require by rule, including an assur-*
 12 *ance that funds made available through such grant—*

13 “(A) *will be used by the State or tribal or-*
 14 *ganization to carry out projects for the purpose*
 15 *specified in subsection (a)(1)—*

16 “(i) *directly (in accordance with the*
 17 *requirements of subsection (d)); or*

18 “(ii) *through agreements that satisfy*
 19 *the requirements of this subsection and sub-*
 20 *section (d); and*

21 “(B) *will not be used to carry out a project*
 22 *involving the construction, operation, or mainte-*
 23 *nance of any facility used or to be used as a*
 24 *place for sectarian religious instruction or wor-*
 25 *ship.*

1 “(2) *PARTICIPANTS IN AGREEMENT.*—*Such*
 2 *agreements shall be entered into by the State or tribal*
 3 *organization with—*

4 “(A) *public or nonprofit private agencies or*
 5 *organizations;*

6 “(B) *political subdivisions of States having*
 7 *elected or duly appointed governing officials (or*
 8 *combinations of such political subdivisions);*

9 “(C) *tribal organizations; and*

10 “(D) *area agencies on aging.*

11 “(3) *AGREEMENTS WITH BUSINESSES.*—*At the*
 12 *election of a State or tribal organization that receives*
 13 *a grant made under subsection (a), not more than 5*
 14 *percent of the funds made available through the grant*
 15 *may be used to enter into agreements with businesses*
 16 *(giving special consideration to businesses in growth*
 17 *industries) to pay for not more than 50 percent of the*
 18 *cost of providing part-time employment (including*
 19 *arranging for the provision of part-time employment)*
 20 *to older individuals described in subsection (a)(1).*

21 “(c) *COMPETITIVE BASIS.*—*In selecting an entity with*
 22 *whom a State or tribal organization will enter into an*
 23 *agreement under subsection (b), the State or organization—*

24 “(1) *shall make the selection on a competitive*
 25 *basis; and*

1 “(2) shall take into consideration, where appro-
 2 priate, the demonstrated ability of the entity to pro-
 3 vide employment (including arranging for the provi-
 4 sion of employment) to older individuals as described
 5 in subsection (a)(1).

6 “(d) REQUIREMENTS.—

7 “(1) IN GENERAL.—Each agreement entered into
 8 under subsection (b) for a project shall provide that
 9 no payment shall be made by the State or tribal orga-
 10 nization toward the cost of such project unless the
 11 State or tribal organization determines that such
 12 project, or the entity that carries out such project, as
 13 appropriate, will satisfy each of the conditions de-
 14 scribed in paragraphs (2) through (13). Each State or
 15 tribal organization that carries out a project directly
 16 under subsection (b) shall ensure that such project or
 17 the State or organization, as appropriate, will satisfy
 18 each of the conditions described in paragraphs (2)
 19 through (13).

20 “(2) FEDERAL SHARE REQUIREMENT.—

21 “(A) IN GENERAL.—The entity that carries
 22 out the project shall use funds received for such
 23 project that are made available through a grant
 24 made under subsection (a) to pay for the Federal
 25 share of the cost of the project.

1 “(B) *FEDERAL SHARE*.—*The Federal share*
 2 *of the cost of the project shall be not more than*
 3 *85 percent (or not more than 50 percent in the*
 4 *case of a project carried out under an agreement*
 5 *described in subsection (b)(3)).*

6 “(C) *NON-FEDERAL SHARE*.—*The non-Fed-*
 7 *eral share of such cost shall be contributed in*
 8 *cash or in kind. In determining the amount of*
 9 *the non-Federal share, the Assistant Secretary*
 10 *may attribute fair market value to services and*
 11 *facilities contributed from non-Federal sources.*

12 “(3) *PERSONNEL*.—*The project shall provide em-*
 13 *ployment only for older individuals described in sub-*
 14 *section (a)(1), except for necessary technical, adminis-*
 15 *trative, and supervisory personnel. Such personnel*
 16 *shall, to the fullest extent possible, be recruited from*
 17 *among older individuals described in subsection*
 18 *(a)(1).*

19 “(4) *COMMUNITIES*.—

20 “(A) *IN GENERAL*.—*Except as provided in*
 21 *subparagraph (B), if such project is carried out*
 22 *by or under an agreement with a State, the*
 23 *project shall provide employment for such indi-*
 24 *viduals in the community in which such individ-*
 25 *uals reside, or in nearby communities.*

1 “(B) *RESERVATIONS.*—If such project is
 2 carried out by a tribal organization that receives
 3 a grant under subsection (a), or enters into an
 4 agreement under subsection (b) with a State that
 5 receives a grant under subsection (a), the project
 6 shall provide employment for such individuals
 7 who are Indians residing on an Indian reserva-
 8 tion, as the term is defined in section 2601(2) of
 9 the *Energy Policy Act of 1992* (25 U.S.C.
 10 3501(2)).

11 “(5) *SERVICES.*—The project (except a project
 12 carried out under an agreement described in sub-
 13 section (b)(3)) shall employ older individuals de-
 14 scribed in subsection (a)(1) in positions in which the
 15 individuals provide services—

16 “(A) related to publicly owned and operated
 17 facilities or public projects; or

18 “(B) related to projects sponsored by orga-
 19 nizations described in section 501(c)(3) of the *In-*
 20 ternal Revenue Code of 1986 that are exempt
 21 from taxation under section 501(a) of such Code.

22 “(6) *GENERAL WELFARE.*—The project shall con-
 23 tribute to the general welfare of the community in
 24 which the project is carried out.

1 “(7) *EMPLOYMENT IMPACTS.*—*The project*
2 *shall—*

3 “(A) *result in an increase in employment*
4 *opportunities over the opportunities that would*
5 *otherwise be available;*

6 “(B) *not result in the displacement (includ-*
7 *ing partial displacement, such as a reduction in*
8 *the hours of nonovertime work or wages or em-*
9 *ployment benefits) of currently employed workers*
10 *(as of the date of the beginning of the project);*
11 *and*

12 “(C) *not impair existing contracts (as of the*
13 *date of the beginning of the project) or result in*
14 *the substitution of Federal funds for other funds*
15 *in connection with work that would otherwise be*
16 *performed.*

17 “(8) *RECRUITMENT AND SELECTION.*—*In carry-*
18 *ing out the project, the entity shall utilize methods of*
19 *recruitment and selection (including listing job va-*
20 *cancies with an employment agency operated by any*
21 *State or political subdivision of a State) that will en-*
22 *sure that the maximum number of older individuals*
23 *described in subsection (a)(1) will have an oppor-*
24 *tunity to participate in the project.*

1 “(9) *TRAINING.*—*The project shall include such*
 2 *training as may be necessary to make the most effec-*
 3 *tive use of the skills and talents of such individuals*
 4 *who are participating in the project and assist in*
 5 *their transition into employment for which no finan-*
 6 *cial assistance is provided under this title.*

7 “(10) *ADVICE.*—*The entity shall establish or ad-*
 8 *minister the project after receiving the advice of—*

9 “(A) *individuals competent in the field of*
 10 *service in which the project will provide employ-*
 11 *ment; and*

12 “(B) *individuals who are knowledgeable*
 13 *with regard to the needs of older individuals.*

14 “(11) *ASSESSMENT.*—*The entity shall prepare*
 15 *an assessment of—*

16 “(A) *the skills and talents of each partici-*
 17 *pating older individual;*

18 “(B) *the need of the older individual for*
 19 *supportive services; and*

20 “(C) *the ability of the older individual to*
 21 *perform community service employment;*

22 *except to the extent that the project has an assessment*
 23 *of such skills and talents, such need, or such ability,*
 24 *of the individual that was prepared recently pursuant*

1 to another Federal or State employment or job train-
2 ing program.

3 “(12) *NOTICE AND EXPLANATION.*—*The entity*
4 *that carries out such project shall post in the project*
5 *workplace a notice, and shall make available to each*
6 *individual associated with such project a written ex-*
7 *planation, clarifying the law with respect to allowable*
8 *and unallowable political activities under chapter 15*
9 *of title 5, United States Code, applicable to the*
10 *project and to each category of individuals associated*
11 *with such project.*

12 “(13) *PRIORITY IN EMPLOYMENT OPPORTUNI-*
13 *TIES.*—*In providing employment opportunities (in-*
14 *cluding arranging for the provision of employment*
15 *opportunities) under the project, such entity shall give*
16 *priority to low-income older individuals described in*
17 *subsection (a)(1) who are 60 years of age or older.*

18 “(e) *PREREQUISITE DETERMINATIONS AND COORDINA-*
19 *TION.*—

20 “(1) *DETERMINATIONS.*—*To effectively carry out*
21 *subsection (b), a State or tribal organization that re-*
22 *ceives a grant under subsection (a) for a fiscal year*
23 *shall, after consultation with the appropriate area*
24 *agencies on aging and with other organizations that*

1 *received funds under this title in the preceding fiscal*
2 *year—*

3 “(A) *make a determination identifying the*
4 *localities in the State (or on an Indian reserva-*
5 *tion if a tribal organization receives such a*
6 *grant or enters into an agreement with a State*
7 *that receives such a grant), in which projects de-*
8 *scribed in subsection (b) are most needed;*

9 “(B) *in making such determination, con-*
10 *sider the local employment situations and the*
11 *types of skills possessed by available local older*
12 *individuals described in subsection (a)(1); and*

13 “(C) *make a determination identifying po-*
14 *tential projects for, and the number and percent-*
15 *age of such individuals in the local population*
16 *of, each such locality.*

17 “(2) *COORDINATION.—To increase employment*
18 *opportunities available to older individuals, the State*
19 *or tribal organization shall coordinate the projects as-*
20 *sisted under this title with—*

21 “(A) *other programs, projects, and activities*
22 *carried out under this Act; and*

23 “(B) *other Federal or State employment or*
24 *job training programs.*

1 “(3) *PARTICIPANTS.*—*To the maximum extent*
 2 *practicable, the State or tribal organization shall en-*
 3 *sure that entities that carry out projects under this*
 4 *title provide employment (including arranging for the*
 5 *provision of employment) under this title to older in-*
 6 *dividuals who on the day before the effective date of*
 7 *section 3 of the Older Americans Amendments of 1996*
 8 *were participants under an agreement entered into*
 9 *under section 502(b) (as in effect on the day before*
 10 *such date).*

11 “(f) *EQUITABLE USE OF FUNDS.*—*To the maximum*
 12 *extent practicable, the State or tribal organization shall use*
 13 *funds available for this title to enter into agreements under*
 14 *subsection (b), or carry out this title, in an equitable man-*
 15 *ner, taking into consideration the number of eligible older*
 16 *individuals in the various geographical areas served under*
 17 *the agreements or by the State or organization and the rel-*
 18 *ative distribution of such individuals among urban and*
 19 *rural areas.*

20 “(g) *PRIOR SUBMISSION OF PROJECT DESCRIPTION.*—
 21 *If an entity carries out a project under this title in a plan-*
 22 *ning and service area, and the entity is not the area agency*
 23 *on aging for the planning and service area, the entity shall*
 24 *carry out the project in consultation with the area agency*
 25 *on aging and shall submit to the area agency on aging,*

1 *not less than 30 days before undertaking the project, a de-*
 2 *scription (including the location) of such project.*

3 “(h) *ALTERNATIVE WORK MODES; TECHNICAL AS-*
 4 *SISTANCE.—To assist entities carrying out, and partici-*
 5 *pants in, projects assisted under this title, the State or trib-*
 6 *al organization may develop alternatives for innovative*
 7 *work modes and provide technical assistance in creating job*
 8 *opportunities through work sharing and other experimental*
 9 *methods to groups representing business and industry, and*
 10 *workers, as well as to individual employers, where appro-*
 11 *priate.*

12 “(i) *REPORT.—If a State or tribal organization elects*
 13 *under subsection (b) to enter into agreements described in*
 14 *paragraph (3) of such subsection for a fiscal year, the State*
 15 *or tribal organization shall submit to the Assistant Sec-*
 16 *retary a report describing the projects carried out under*
 17 *such agreements.*

18 “(j) *DATA COLLECTION AND ANALYSIS.—A State or*
 19 *tribal organization that receives a grant under subsection*
 20 *(a) for a project shall use a portion of the funds available*
 21 *for administrative costs, as described in subsection*
 22 *(a)(2)(B)—*

23 “(1) *to collect data and carry out analyses relat-*
 24 *ed to the need for community service employment*
 25 *within the population served under the grant; and*

1 “(2) to disseminate information obtained
2 through the data collection and analyses.

3 “(k) *RULES.*—The Secretary shall issue, and amend
4 from time to time, rules that require States and tribal orga-
5 nizations that receive grants under subsection (a) to estab-
6 lish, to the maximum extent practicable, for projects carried
7 out under this title the goal of annually placing not less
8 than 20 percent of project participants in employment for
9 which no financial assistance is provided under this title.

10 **“SEC. 504. PARTICIPANTS NOT FEDERAL EMPLOYEES.**

11 “(a) *PROJECT PARTICIPANTS.*—Older individuals de-
12 scribed in section 503(a)(1) who participate in a project
13 assisted under this title shall not be considered to be Federal
14 employees as a result of such participation and shall not
15 be subject to the provisions of part III of title 5, United
16 States Code.

17 “(b) *WORKMEN’S COMPENSATION.*—No State or tribal
18 organization shall enter into an agreement under section
19 503(b) with, or carry out such a project through, an entity
20 who is, or whose employees are, under State law, exempted
21 from the operation of the State workmen’s compensation
22 law, generally applicable to employees, unless the entity un-
23 dertakes to provide either through insurance by a recognized
24 carrier, or by self-insurance, as authorized by State law,
25 that the individuals employed under the contract shall enjoy

1 *workmen's compensation coverage equal to such coverage*
 2 *provided by law for covered employment.*

3 **“SEC. 505. EMPLOYMENT ASSISTANCE AND FEDERAL HOUS-**
 4 **ING AND FOOD STAMP PROGRAMS.**

5 *“Funds received by eligible individuals from projects*
 6 *carried out under this title shall not be considered to be*
 7 *income of such individuals for purposes of determining the*
 8 *eligibility of such individuals, or of any other persons, to*
 9 *participate in any housing program for which Federal*
 10 *funds may be available or for any income determination*
 11 *under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.).*

12 **“SEC. 506. DEFINITIONS.**

13 *“As used in this title:*

14 *“(1) ADMINISTRATIVE COSTS.—The term ‘admin-*
 15 *istrative costs’, used with respect to a project,*
 16 *means—*

17 *“(A) the costs of—*

18 *“(i) salaries, wages, and fringe benefits*
 19 *for project administrators;*

20 *“(ii) consumable office supplies used by*
 21 *project staff;*

22 *“(iii) development, preparation, pres-*
 23 *entation, management, and evaluation of*
 24 *the project;*

1 “(iv) establishment and maintenance
2 of accounting and management information
3 systems;

4 “(v) establishment and maintenance of
5 advisory councils;

6 “(vi) travel of the project administra-
7 tors;

8 “(vii) rent, utilities, custodial services,
9 and indirect costs attributable to the
10 project;

11 “(viii) training of staff and technical
12 assistance to subproject sponsor staff;

13 “(ix) equipment and material for use
14 by project staff; or

15 “(x) audit services; and

16 “(B) the costs and expenses described in
17 paragraph (6)(B).

18 “(2) COMMUNITY SERVICE EMPLOYMENT.—The
19 term ‘community service employment’ means employ-
20 ment described in section 503(a)(1).

21 “(3) COMMUNITY SERVICES.—The term ‘commu-
22 nity services’ means—

23 “(A) social, health, welfare, and educational
24 services (particularly literacy tutoring);

1 “(B) legal and other counseling services and
2 assistance, including tax counseling and assist-
3 ance and financial counseling;

4 “(C) library and recreational services, and
5 other similar services;

6 “(D) conservation, maintenance, or restora-
7 tion of natural resources;

8 “(E) community betterment or beautifi-
9 cation;

10 “(F) antipollution and environmental qual-
11 ity efforts;

12 “(G) weatherization activities;

13 “(H) economic development;

14 “(I) services for a business, to the extent
15 permitted by section 503(b)(3); and

16 “(J) such other services as the Secretary de-
17 termines by regulation to be essential and nec-
18 essary to the community involved.

19 “(4) LOW-INCOME.—The term ‘low-income’, used
20 with respect to an individual, means an individual
21 who is a member of a family that has an income that
22 is not more than 125 percent of the poverty line.

23 “(5) OLDER INDIVIDUAL—The term ‘older indi-
24 vidual’ means an individual who is 55 years of age
25 or older.

1 “(6) *OTHER PARTICIPANT COSTS.*—

2 “(A) *IN GENERAL.*—*The term ‘other partici-*
 3 *pant costs’ includes—*

4 “(i) *the costs for participants of—*

5 “(I) *transportation;*

6 “(II) *training, including training*
 7 *described in section 503(d)(9); and*

8 “(III) *special job or personal*
 9 *counseling; and*

10 “(ii) *incidental expenses necessary for*
 11 *the participation of the participants, such*
 12 *as workshoes, safety eyeglasses, uniforms,*
 13 *tools, and similar items.*

14 “(B) *EXCLUSION.*—*The term shall not in-*
 15 *clude—*

16 “(i) *the costs of performing assess-*
 17 *ments, including the assessment described in*
 18 *section 503(d)(11);*

19 “(ii) *administrative expenses relating*
 20 *to the training of participants;*

21 “(iii) *the costs of providing counseling*
 22 *to participants;*

23 “(iv) *the costs of providing supportive*
 24 *services to participants;*

1 “(v) transportation costs incurred in
2 training;

3 “(vi) the costs of evaluating partici-
4 pants for continued participation in em-
5 ployment in a project described in this title;
6 or

7 “(vii) the costs of developing host agen-
8 cy assignments and unsubsidized employ-
9 ment for participants.

10 “(7) PLACED IN UNSUBSIDIZED EMPLOYMENT.—

11 “(A) IN GENERAL.—The term ‘placed in
12 unsubsidized employment’ means, with respect to
13 an individual who was a participant in a
14 project described in this title, that—

15 “(i)(I) the individual was placed in a
16 position with an employer not later than 90
17 days after the individual terminated par-
18 ticipation in the project, and the position
19 was not subsidized with Federal funds; and

20 “(II) the placement was attributable to
21 participation in the project;

22 “(ii) the employer intended, on the
23 date of the placement, to employ the indi-
24 vidual in the position for not less than 90
25 days;

1 “(iii) the individual was still employed
2 in the position 30 days after the placement;
3 and

4 “(iv) the individual was better off eco-
5 nomically when employed in the position
6 than the individual was when participating
7 in the project.

8 “(B) *BETTER OFF ECONOMICALLY.*—As used
9 in this paragraph, the term ‘better off economi-
10 cally’, used with respect to an individual, means
11 an individual who was a participant in a
12 project described in this title and was placed in
13 a position of employment if—

14 “(i) the individual received greater in-
15 come for employment in the position than
16 for participation in the project;

17 “(ii) the individual received greater
18 benefits (as defined by the State in which
19 the project is located) for employment in the
20 position than for participation in the
21 project; or

22 “(iii) the position met 2 or more of the
23 following criteria:

24 “(I) The position provided to the
25 individual 20 or more hours of employ-

1 *ment per week and a wage that is not*
 2 *less than the minimum wage deter-*
 3 *mined in accordance with section*
 4 *6(a)(1) of the Fair Labor Standards*
 5 *Act of 1938 (29 U.S.C. 206(a)(1)).*

6 *“(II) The position was consistent*
 7 *with the individual development plan*
 8 *for the individual.*

9 *“(III) The position provided free*
 10 *housing to the individual.*

11 *“(IV) The position provided free*
 12 *food or meals to the individual.*

13 *“(V) The position provided health*
 14 *benefits to the individual.*

15 *“(VI) The position provided free*
 16 *transportation, or transportation at a*
 17 *reduced cost, to the individual.*

18 *“(VII) The position provided to*
 19 *the individual such economic benefits,*
 20 *other than the benefits described in*
 21 *subclauses (I) through (VI), as the*
 22 *State in which the project was located*
 23 *determined to be appropriate.*

24 *“(8) SMALL STATE.—The term ‘small State’*
 25 *means—*

1 “(A) a State whose allotment under section
2 502 is increased as a result of the condition spec-
3 ified in section 502(a)(2)(C)(ii)(I); and

4 “(B) a State referred to in section
5 502(a)(2)(C)(ii)(II).

6 “(9) STATE.—The term ‘State’ means any of the
7 several States, the District of Columbia, the Common-
8 wealth of Puerto Rico, Guam, American Samoa, the
9 Virgin Islands of the United States, and the Common-
10 wealth of the Northern Mariana Islands.

11 “(10) TRIBAL ORGANIZATION.—Notwithstanding
12 section 102, the term ‘tribal organization’ means—

13 “(A) the recognized governing body of an
14 Indian tribe;

15 “(B) the legally established organization of
16 Indians that is controlled, sanctioned, or char-
17 tered by the recognized governing body of an In-
18 dian tribe;

19 “(C) a legally established organization of
20 Indians that is democratically elected by the
21 adult members of the Indian community to be
22 served by such organization and that includes
23 the maximum participation of Indians in all
24 phases of the activities of the organization; and

1 “(D) a public or nonprofit private organi-
 2 zation that is primarily controlled by and com-
 3 prised of Indians or Indian tribes.

4 **“SEC. 507. AUTHORIZATION OF APPROPRIATIONS.**

5 “(a) *IN GENERAL.*—There are authorized to be appro-
 6 priated to carry out this title such sums as may be nec-
 7 essary for fiscal year 1996.

8 “(b) *PROGRAM YEAR AND EXTENSIONS.*—

9 “(1) *PROGRAM YEAR.*—Amounts appropriated
 10 under subsection (a) for a fiscal year shall be used
 11 during the annual period that—

12 “(A) begins on July 1 of the calendar year
 13 immediately following the beginning of such fis-
 14 cal year; and

15 “(B) ends on June 30 of the following cal-
 16 endar year.

17 “(2) *EXTENSIONS.*—If, in accordance with sec-
 18 tion 502(b), any part of an allotment is reallocated to
 19 a State for a fiscal year, such part shall be considered
 20 to be a portion of the appropriate allotment of the
 21 State for the fiscal year, but shall remain available
 22 for obligation for the State until the end of the suc-
 23 ceeding fiscal year.”.

24 (b) *TECHNICAL AND CONFORMING AMENDMENTS.*—

1 (1) *Section 102(1) (42 U.S.C. 3002(1)) is*
 2 *amended by striking all that follows “Services” and*
 3 *inserting a period.*

4 (2) *The second sentence of section 201(a) (42*
 5 *U.S.C. 3011(a)) is amended by striking “Except for*
 6 *title V, the” and inserting “The”.*

7 (3) *Section 203(a)(3)(A) (42 U.S.C.*
 8 *3013(a)(3)(A)) is amended by inserting “(as in effect*
 9 *on the day before the date of enactment of the Older*
 10 *Americans Amendments of 1996)” after “507”.*

11 **SEC. 4. AMENDMENT TO THE OLDER AMERICANS ACT OF**
 12 **1965.**

13 *The Older Americans Act of 1965 (42 U.S.C. 3001 et*
 14 *seq.) is amended to read as follows:*

15 **“SECTION 1. SHORT TITLE.**

16 *“This Act may be cited as the ‘Older Americans Act*
 17 *of 1965’.*

18 **“SEC. 2. TABLE OF CONTENTS.**

19 *“The table of contents for this Act is as follows:*

“Sec. 1. Short title.

“Sec. 2. Table of contents.

“TITLE I—GENERAL PROVISIONS

“Subtitle A—Core Objectives and Definitions

“Sec. 101. Core objectives.

“Sec. 102. Definitions.

“Subtitle B—Administration

“Sec. 111. Establishment of Administration on Aging.

“Sec. 112. Functions of the Assistant Secretary.

“Sec. 113. Reports.

- “Sec. 114. Reduction of paperwork.*
- “Sec. 115. Surplus property eligibility.*
- “Sec. 116. Treatment of costs.*
- “Sec. 117. Disaster relief.*
- “Sec. 118. Authorization of appropriations.*

“Subtitle C—Funding

- “Sec. 121. Allotments; Federal share.*
- “Sec. 122. Authorization of appropriations.*
- “Sec. 123. Additional funds available for nutrition services.*

“TITLE II—STATE PROGRAMS ON AGING

“Subtitle A—General Provisions

- “Sec. 201. Eligibility of States.*
- “Sec. 202. State plans.*
- “Sec. 203. Planning, coordination, evaluation, and administration of State plans.*
- “Sec. 204. Payments.*

“Subtitle B—State Long-Term Care Ombudsman Program

- “Sec. 211. Establishment.*
- “Sec. 212. Requirements for State long-term care ombudsman program.*

“Subtitle C—Senior Community Service Employment Program

- “Sec. 221. Short title.*
- “Sec. 222. Definitions.*
- “Sec. 223. Senior community service employment program.*
- “Sec. 224. Participants not Federal employees.*
- “Sec. 225. Employment assistance and Federal housing and food stamp programs.*

“Subtitle D—Disease Prevention and Health Promotion Program

- “Sec. 231. Establishment of grant program.*
- “Sec. 232. Distribution to area agencies on aging.*

“TITLE III—LOCAL PROGRAMS ON AGING

“Subtitle A—General Provisions

- “Sec. 301. Eligibility of local organizations.*
- “Sec. 302. Area plans.*
- “Sec. 303. Services provided by charitable, religious, or private organizations.*

“Subtitle B—Supportive Services and Senior Centers

- “Sec. 311. Program authorized.*

“Subtitle C—Nutrition Services

- “Sec. 321. Program authorized.*
- “Sec. 322. Additional requirements.*

*“TITLE IV—NATIVE AMERICAN PROGRAMS ON AGING**“Sec. 401. Grants for services to Native Americans.**“Sec. 402. Applications for grants.**“Sec. 403. Distribution of funds among eligible organizations.**“Sec. 404. Surplus educational facilities.**“Sec. 405. Administration.**“Sec. 406. Payments.**“Sec. 407. Authorization of appropriations.***1 “TITLE I—GENERAL PROVISIONS****2 “Subtitle A—Core Objectives and**
3 Definitions**4 “SEC. 101. CORE OBJECTIVES.**

5 *“It is the purpose of this Act to fulfill the responsibility*
6 *of the United States to assist older individuals to remain*
7 *living independently and with dignity for as long as pos-*
8 *sible in their communities, and to encourage and assist*
9 *State agencies, area agencies on aging, and Indian tribes*
10 *in concentrating resources and collaborating with the pri-*
11 *vate sector in order to—*

12 *“(1) develop greater capacity, and foster the de-*
13 *velopment and implementation of comprehensive and*
14 *coordinated systems to serve older individuals, by en-*
15 *tering into cooperative arrangements in each State*
16 *for the planning and provision of supportive services*
17 *(including services to support multipurpose senior*
18 *centers), nutrition services, State long-term care om-*
19 *budsman programs, senior community service em-*
20 *ployment programs, and disease prevention and*
21 *health promotion programs; and*

1 “(2) achieve core objectives consisting of—

2 “(A) securing and maintaining maximum
3 independence and dignity in a home environ-
4 ment for older individuals capable of self-care
5 with appropriate supportive services and nutri-
6 tion services;

7 “(B) removing individual and social bar-
8 riers to personal independence for older individ-
9 uals;

10 “(C) promoting a continuum of care for
11 vulnerable older individuals;

12 “(D) fostering ways for older individuals to
13 receive managed in-home and community-based
14 long-term care services;

15 “(E) ensuring that older individuals will be
16 protected against abuse, neglect, and exploi-
17 tation; and

18 “(F) promoting employment opportunities
19 and community services for older individuals.

20 **“SEC. 102. DEFINITIONS.**

21 *“Except as otherwise provided in this Act, as used in*
22 *this Act:*

23 “(1) ABUSE.—*The term ‘abuse’ means (except*
24 *when the term is used as part of the term ‘drug and*
25 *alcohol abuse’) the willful—*

1 “(A) *infliction of injury, unreasonable con-*
 2 *finement, intimidation, or cruel punishment*
 3 *with resulting physical harm, pain, or mental*
 4 *anguish; or*

5 “(B) *deprivation by a person, including a*
 6 *caregiver, of goods or services that are necessary*
 7 *to avoid physical harm, mental anguish, or men-*
 8 *tal illness.*

9 “(2) *ADMINISTRATION.—The term ‘Administra-*
 10 *tion’ means the Administration on Aging.*

11 “(3) *ADULT CHILD WITH A DISABILITY; ADULT*
 12 *CHILDREN WITH DISABILITIES.—*

13 “(A) *ADULT CHILD WITH A DISABILITY.—*
 14 *The term ‘adult child with a disability’ means a*
 15 *child who—*

16 “(i) *is 18 years of age or older;*

17 “(ii) *is financially dependent on an*
 18 *older individual who is a parent of the*
 19 *child; and*

20 “(iii) *has a disability.*

21 “(B) *ADULT CHILDREN WITH DISABIL-*
 22 *ITIES.—The term ‘adult children with disabil-*
 23 *ities’ means more than 1 adult child with a dis-*
 24 *ability.*

1 “(4) *ALASKA NATIVE*.—The term ‘Alaska Native’
2 means an individual who is a member of an Alaska
3 Native organization.

4 “(5) *ALASKA NATIVE ORGANIZATION*.—The term
5 ‘Alaska Native organization’ means a Native village,
6 regional corporation, or village corporation, as de-
7 fined in or established pursuant to the Alaska Native
8 Claims Settlement Act (43 U.S.C. 1601 et seq.), that
9 is recognized as eligible for the special programs and
10 services provided by the United States to Alaska Na-
11 tives because of their status as Alaska Natives.

12 “(6) *AREA AGENCY ON AGING*.—The term ‘area
13 agency on aging’ means an area agency on aging des-
14 ignated under section 201(a)(2)(A), a State agency
15 performing the functions of an area agency on aging
16 as the result of a designation of the entire State as
17 a single planning and service area, or a State agency
18 that is administering a program under section
19 302(c)(3) (for purposes of provisions relating to such
20 program).

21 “(7) *ASSISTANT SECRETARY*.—The term ‘Assist-
22 ant Secretary’ means the Assistant Secretary for
23 Aging.

24 “(8) *ASSISTIVE TECHNOLOGY*.—The term
25 ‘assistive technology’ means technology, an engineer-

1 *ing methodology, or a scientific principle, appro-*
 2 *priate to meet the needs of, and address the barriers*
 3 *confronted by, older individuals with functional limi-*
 4 *tations.*

5 “(9) *BOARD AND CARE FACILITY.*—*The term*
 6 *‘board and care facility’ means an institution regu-*
 7 *lated by a State pursuant to section 1616(e) of the*
 8 *Social Security Act (42 U.S.C. 1382e(e)).*

9 “(10) *CAREGIVER.*—*The term ‘caregiver’ means*
 10 *an individual who has the responsibility for the care*
 11 *of an older individual, either voluntarily, by contract,*
 12 *by receipt of payment for care, or as a result of the*
 13 *operation of law.*

14 “(11) *CARETAKER.*—*The term ‘caretaker’ means*
 15 *a family member or other individual who provides*
 16 *(on behalf of such individual or of a public or non-*
 17 *profit private agency, organization, or institution)*
 18 *uncompensated care to an older individual who needs*
 19 *supportive services.*

20 “(12) *CASE MANAGEMENT SERVICE.*—*The term*
 21 *‘case management service’—*

22 “(A) *means assessment, development, and*
 23 *implementation, carried out in cooperation with*
 24 *an older individual (or the caregiver or caretaker*

1 *of the individual, where appropriate), of a care*
 2 *plan—*

3 “(i) *by an individual who is trained*
 4 *or experienced in the case management*
 5 *skills that are required to deliver the serv-*
 6 *ices and coordination described in subpara-*
 7 *graph (B); and*

8 “(ii) *to assess the needs, and to ar-*
 9 *range, coordinate, and monitor an optimum*
 10 *package of services to meet the needs, of the*
 11 *older individual; and*

12 “(B) *includes services and coordination*
 13 *such as—*

14 “(i) *comprehensive assessment of the*
 15 *older individual (including the physical,*
 16 *psychological, environmental, economic, and*
 17 *social needs of the individual);*

18 “(ii) *development and implementation*
 19 *of a service plan with the older individual*
 20 *to mobilize the formal and informal re-*
 21 *sources and services identified in the assess-*
 22 *ment, including assistive technology, to meet*
 23 *the needs of the older individual, including*
 24 *coordination of the resources and services—*

1 “(I) with the services identified in
 2 any other plans that exist for various
 3 formal services, such as hospital dis-
 4 charge plans; and

5 “(II) with the information and
 6 assistance services provided under this
 7 Act;

8 “(iii) coordination and monitoring of
 9 formal and informal service delivery, in-
 10 cluding coordination and monitoring to en-
 11 sure that services specified in the plan, in-
 12 cluding assistive technology, are being pro-
 13 vided;

14 “(iv) periodic reassessment and revi-
 15 sion of the status of the older individual
 16 with—

17 “(I) the older individual; or

18 “(II) if appropriate, a caregiver
 19 or caretaker of the older individual;
 20 and

21 “(v) in accordance with the wishes of
 22 the older individual, advocacy on behalf of
 23 the older individual for needed services or
 24 resources.

1 “(13) *CHILD*.—The term ‘child’ means (except
2 when the term appears as part of the term ‘adult
3 child with a disability’) an individual who is less
4 than 18 years of age.

5 “(14) *COMMUNITY SERVICES*.—The term ‘com-
6 munity services’ means—

7 “(A) social, health, welfare, and educational
8 services (particularly literacy tutoring);

9 “(B) legal and other counseling services and
10 assistance, including tax counseling and assist-
11 ance and financial counseling;

12 “(C) library and recreational services, and
13 other similar services;

14 “(D) conservation, maintenance, or restora-
15 tion of natural resources;

16 “(E) community betterment or beautifi-
17 cation;

18 “(F) antipollution and environmental qual-
19 ity efforts;

20 “(G) weatherization activities;

21 “(H) economic development;

22 “(I) services for a business, to the extent
23 permitted by section 223(b)(3); and

1 “(J) such other services as the Secretary de-
 2 termines by regulation to be essential and nec-
 3 essary to the community.

4 “(15) COMPREHENSIVE AND COORDINATED SYS-
 5 TEM.—The term ‘comprehensive and coordinated sys-
 6 tem’ means a system for providing all necessary sup-
 7 portive services, and nutrition services, in a manner
 8 designed to—

9 “(A) facilitate accessibility to, and utiliza-
 10 tion of, all supportive services and nutrition
 11 services provided within the geographic area
 12 served by such system by any public or nonprofit
 13 private agency, organization, or institution;

14 “(B) develop and make the most efficient
 15 use of supportive services and nutrition services
 16 in meeting the needs of older individuals;

17 “(C) use available resources efficiently and
 18 with a minimum of duplication; and

19 “(D) encourage and assist public and pri-
 20 vate entities that have unrealized potential for
 21 meeting the service needs of older individuals to
 22 assist the older individuals on a voluntary basis.

23 “(16) DISABILITY.—The term ‘disability’ means
 24 (except when the term is used as part of the term ‘se-
 25 vere disability’, ‘developmental disabilities’, ‘physical

1 *and mental disabilities’, or ‘physical disabilities’) a*
 2 *condition attributable to a mental or physical im-*
 3 *pairment, or a combination of mental and physical*
 4 *impairments, that results in substantial functional*
 5 *limitations in 1 or more of the following major life*
 6 *activities:*

7 *“(A) Self-care.*

8 *“(B) Use of receptive and expressive lan-*
 9 *guage.*

10 *“(C) Learning.*

11 *“(D) Achievement of mobility.*

12 *“(E) Self-direction.*

13 *“(F) Independent living.*

14 *“(G) Achievement of economic self-suffi-*
 15 *ciency.*

16 *“(H) Cognitive functioning.*

17 *“(I) Emotional adjustment.*

18 *“(17) ELDER ABUSE, NEGLECT, AND EXPLOI-*
 19 *TATION.—The term ‘elder abuse, neglect, and exploi-*
 20 *tation’ means abuse, neglect, and exploitation, of an*
 21 *older individual.*

22 *“(18) EXPLOITATION.—The term ‘exploitation’*
 23 *means the illegal or improper act or process of an in-*
 24 *dividual, including a caregiver, using the resources of*

1 *an older individual for monetary or personal benefit,*
 2 *profit, or gain.*

3 “(19) *FOCAL POINT.*—*The term ‘focal point’*
 4 *means an entity that maximizes the collocation and*
 5 *coordination of services for older individuals.*

6 “(20) *FRAIL.*—*The term ‘frail’ means, with re-*
 7 *spect to an older individual in a State, that the older*
 8 *individual is determined to be functionally impaired*
 9 *because the individual—*

10 “(A)(i) *is unable to perform at least 2 ac-*
 11 *tivities of daily living without substantial*
 12 *human assistance, including verbal reminding,*
 13 *physical cueing, or supervision; or*

14 “(ii) *at the option of the State, is unable to*
 15 *perform at least 3 such activities without such*
 16 *assistance; or*

17 “(B) *due to a cognitive or other mental im-*
 18 *pairment, requires substantial supervision be-*
 19 *cause the individual behaves in a manner that*
 20 *poses a serious health or safety hazard to the in-*
 21 *dividual or to another individual.*

22 “(21) *GREATEST ECONOMIC NEED.*—*The term*
 23 *‘greatest economic need’ means the need resulting*
 24 *from an income level at or below the poverty line.*

1 “(22) *GREATEST SOCIAL NEED.*—*The term*
 2 *‘greatest social need’ means the need caused by non-*
 3 *economic factors that include—*

4 “(A) *physical and mental disabilities;*

5 “(B) *language barriers; and*

6 “(C) *cultural, social, or geographical isola-*
 7 *tion, including isolation caused by racial or eth-*
 8 *nic status, that—*

9 “(i) *restricts the ability of an individ-*
 10 *ual to perform normal daily tasks; or*

11 “(ii) *threatens the capacity of the indi-*
 12 *vidual to live independently.*

13 “(23) *IN-HOME SERVICES.*—*The term ‘in-home*
 14 *services’ includes—*

15 “(A) *services of homemaker and home health*
 16 *aides;*

17 “(B) *visiting and telephone reassurance;*

18 “(C) *chore maintenance;*

19 “(D) *in-home respite care for families, and*
 20 *adult day-care as a respite service for families;*

21 “(E) *minor modification of homes that is*
 22 *necessary to facilitate the ability of older indi-*
 23 *viduals to remain at home and that is not avail-*
 24 *able under programs carried out under other*
 25 *Acts, except that not more than \$150 per client*

1 *may be expended under this Act for such modi-*
 2 *fication;*

3 “(F) *personal care services; and*

4 “(G) *other in-home services as defined—*

5 *“(i) by the State agency in the State*
 6 *plan submitted in accordance with section*
 7 *202; and*

8 *“(ii) by the area agency on aging in*
 9 *the area plan submitted in accordance with*
 10 *section 302.*

11 “(24) *INDIAN.—The term ‘Indian’ means—*

12 *“(A) except as used in title IV, an individ-*
 13 *ual who is a member of an Indian tribe; and*

14 *“(B) as used in title IV, an individual who*
 15 *is a member of an Indian tribe, as defined in*
 16 *paragraph (25)(B).*

17 “(25) *INDIAN TRIBE.—The term ‘Indian tribe’*
 18 *means—*

19 *“(A) except as used in title IV, any tribe,*
 20 *band, nation, or other organized group or com-*
 21 *munity that is—*

22 *“(i) recognized as eligible for the spe-*
 23 *cial programs and services provided by the*
 24 *United States to Indians because of their*
 25 *status as Indians; or*

1 “(ii) located on, or in proximity to, a
2 Federal reservation or rancheria; and

3 “(B) as used in title IV, any tribe, band,
4 nation, or other organized group or community
5 that is recognized as eligible for the special pro-
6 grams and services provided by the United
7 States to Indians because of their status as Indi-
8 ans.

9 “(26) INFORMATION AND ASSISTANCE SERVICE.—
10 The term ‘information and assistance service’ means
11 a service for older individuals that—

12 “(A) provides the individuals with current
13 information (as of the date the information is
14 provided) on opportunities and services available
15 to the individuals within their communities, in-
16 cluding information relating to assistive tech-
17 nology;

18 “(B) assesses the problems and capacities of
19 the individuals;

20 “(C) links the individuals to the opportuni-
21 ties and services that are available;

22 “(D) educates the individuals about insur-
23 ance benefits and public benefits (including var-
24 ious health care benefit options available to
25 qualified medicare beneficiaries, as defined in

1 *section 1905(p) of the Social Security Act (42*
 2 *U.S.C. 1396d(p)), within an area, such as fee-*
 3 *for-service options, health maintenance organiza-*
 4 *tion and other managed care options, and bene-*
 5 *fits through medicare supplemental policies);*

6 *“(E) to the maximum extent practicable,*
 7 *ensures that the individuals receive the services*
 8 *needed by the individuals, and are aware of the*
 9 *opportunities available to the individuals, by es-*
 10 *tablishing adequate followup procedures; and*

11 *“(F) serves an entire community of older*
 12 *individuals, particularly—*

13 *“(i) older individuals with greatest so-*
 14 *cial need; and*

15 *“(ii) older individuals with greatest*
 16 *economic need.*

17 *“(27) INSURANCE BENEFIT.—The term ‘insur-*
 18 *ance benefit’ means a benefit under—*

19 *“(A) the medicare program established*
 20 *under title XVIII of the Social Security Act (42*
 21 *U.S.C. 1395 et seq.);*

22 *“(B) the medicaid program established*
 23 *under title XIX of the Social Security Act (42*
 24 *U.S.C. 1396 et seq.);*

1 “(C) a public or private insurance pro-
2 gram;

3 “(D) a medicare supplemental policy; or

4 “(E) a pension plan.

5 “(28) *LEGAL ASSISTANCE*.—The term ‘legal as-
6 sistance’—

7 “(A) means legal advice and representation
8 provided by an attorney to an older individual
9 with economic or social needs; and

10 “(B) includes—

11 “(i) to the extent feasible, counseling or
12 other appropriate assistance by a paralegal
13 or law student under the direct supervision
14 of an attorney to such an older individual;
15 and

16 “(ii) counseling or representation by a
17 nonlawyer where permitted by law to such
18 an older individual.

19 “(29) *LONG-TERM CARE FACILITY*.—The term
20 ‘long-term care facility’ means—

21 “(A) any skilled nursing facility, as defined
22 in section 1819(a) of the Social Security Act (42
23 U.S.C. 1395i–3(a));

1 “(B) *any nursing facility, as defined in sec-*
 2 *tion 1919(a) of the Social Security Act (42*
 3 *U.S.C. 1396r(a));*

4 “(C) *as used in section 212, a board and*
 5 *care facility; and*

6 “(D) *any other adult care home similar to*
 7 *a facility or institution described in subpara-*
 8 *graph (A), (B), or (C).*

9 “(30) *LOW-INCOME.—The term ‘low-income’,*
 10 *used with respect to an individual, means—*

11 “(A) *except as used in subtitle C of title II,*
 12 *an individual who is a member of a family that*
 13 *has an income that is not more than 150 percent*
 14 *of the poverty line; and*

15 “(B) *as used in subtitle C of title II, an in-*
 16 *dividual who is a member of a family that has*
 17 *an income that is not more than 125 percent of*
 18 *the poverty line.*

19 “(31) *MEDICARE SUPPLEMENTAL POLICY.—The*
 20 *term ‘medicare supplemental policy’ has the meaning*
 21 *given the term in section 1882(g)(1) of the Social Se-*
 22 *curity Act (42 U.S.C. 1395ss(g)(1)).*

23 “(32) *MULTIPURPOSE SENIOR CENTER.—The*
 24 *term ‘multipurpose senior center’ means a community*
 25 *facility for the organization and provision of a broad*

1 *spectrum of services for older individuals, which may*
 2 *include the provision of health (including mental*
 3 *health), social, nutritional, and educational services*
 4 *and the provision of facilities for recreational activi-*
 5 *ties, for older individuals.*

6 “(33) *NATIVE AMERICAN.*—*The term ‘Native*
 7 *American’ means—*

8 “(A) *an Indian;*

9 “(B) *an Alaska Native; or*

10 “(C) *a Native Hawaiian.*

11 “(34) *NATIVE HAWAIIAN.*—*The term ‘Native Ha-*
 12 *waiian’ means any individual any of whose ancestors*
 13 *were natives of the area that consists of the Hawaiian*
 14 *Islands prior to 1778.*

15 “(35) *NEGLECT.*—*The term ‘neglect’ means—*

16 “(A) *the failure to provide for oneself the*
 17 *goods or services that are necessary to avoid*
 18 *physical harm, mental anguish, or mental ill-*
 19 *ness; or*

20 “(B) *the failure of a caregiver to provide the*
 21 *goods or services.*

22 “(36) *NONPROFIT.*—*The term ‘nonprofit’, used*
 23 *with respect to any agency, institution, or organiza-*
 24 *tion, means an agency, institution, or organization*
 25 *that is, or is owned and operated by, 1 or more cor-*

1 *porations or associations no part of the net earnings*
 2 *of which inures, or may lawfully inure, to the benefit*
 3 *of any private shareholder or individual.*

4 “(37) *NUTRITION SERVICES.*—*The term ‘nutri-*
 5 *tion services’ means the services authorized to be pro-*
 6 *vided through a project carried out under subtitle C*
 7 *of title III (including similar services provided under*
 8 *title IV).*

9 “(38) *OLDER INDIVIDUAL.*—*The term ‘older in-*
 10 *dividual’ means—*

11 “(A) *except as used in subtitle C of title II,*
 12 *an individual who is 60 years of age or older;*
 13 *and*

14 “(B) *as used in subtitle C of title II, an in-*
 15 *dividual who is 55 years of age or older.*

16 “(39) *PENSION PLAN.*—*The term ‘pension plan’*
 17 *means an employee pension benefit plan, as defined*
 18 *in section 3(2) of the Employee Retirement Income*
 19 *Security Act of 1974 (29 U.S.C. 1002(2)).*

20 “(40) *PHYSICAL HARM.*—*The term ‘physical*
 21 *harm’ means bodily injury, bodily impairment, or*
 22 *disease.*

23 “(41) *PLANNING AND SERVICE AREA.*—*The term*
 24 *‘planning and service area’ means an area designated*
 25 *by a State agency under section 201(a)(1)(E), includ-*

1 *ing a single planning and service area described in*
 2 *section 301(a)(1)(E), an area designated as described*
 3 *in subsection (c), (d), or (e) of section 201, and a re-*
 4 *maining area described in section 201(c)(2).*

5 “(42) *POVERTY LINE.*—*The term ‘poverty line’*
 6 *means the poverty line (as defined by the Office of*
 7 *Management and Budget, and revised annually by*
 8 *the Secretary in accordance with section 673(2) of the*
 9 *Community Services Block Grant Act (42 U.S.C.*
 10 *9902(2)) applicable to a family of the size involved.*

11 “(43) *PUBLIC BENEFIT.*—*The term ‘public bene-*
 12 *fit’ means a benefit under—*

13 “(A) *the Federal Old-Age, Survivors, and*
 14 *Disability Insurance Benefits programs under*
 15 *title II of the Social Security Act (42 U.S.C. 401*
 16 *et seq.);*

17 “(B) *the medicare program established*
 18 *under title XVIII of the Social Security Act, in-*
 19 *cluding benefits as a qualified medicare bene-*
 20 *ficiary, as defined in section 1905(p) of the So-*
 21 *cial Security Act (42 U.S.C. 1396d(p));*

22 “(C) *the medicaid program established*
 23 *under title XIX of the Social Security Act;*

24 “(D) *the program established under the*
 25 *Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.);*

1 “(E) the program established under the
2 *Low-Income Home Energy Assistance Act of*
3 1981 (42 U.S.C. 8621 *et seq.*);

4 “(F) the supplemental security income pro-
5 gram established under title XVI of the Social
6 Security Act (42 U.S.C. 1381 *et seq.*); or

7 “(G) a program determined to be appro-
8 priate by the Assistant Secretary.

9 “(44) *REPRESENTATIVE PAYEE.*—The term ‘rep-
10 resentative payee’ means a person who is appointed
11 by a governmental entity to receive, on behalf of an
12 older individual who is unable to manage funds by
13 reason of a physical or mental incapacity, any funds
14 owed to such individual by such entity.

15 “(45) *SECRETARY.*—The term ‘Secretary’ means
16 the Secretary of Health and Human Services.

17 “(46) *SEVERE DISABILITY.*—The term ‘severe
18 disability’ means a severe, chronic disability attrib-
19 utable to a mental or physical impairment, or a com-
20 bination of mental and physical impairments, that—

21 “(A) is likely to continue indefinitely; and

22 “(B) results in substantial functional limi-
23 tation in 3 or more of the major life activities
24 specified in subparagraphs (A) through (I) of
25 paragraph (16).

1 “(47) *STATE*.—The term ‘State’ means any of
 2 the several States, the District of Columbia, the Com-
 3 monwealth of Puerto Rico, Guam, American Samoa,
 4 the Virgin Islands of the United States, and the Com-
 5 monwealth of the Northern Mariana Islands.

6 “(48) *STATE AGENCY*.—The term ‘State agency’
 7 means the agency designated under section 201(a)(1).

8 “(49) *SUPPORTIVE SERVICE*.—The term ‘sup-
 9 portive service’ means a service described in section
 10 311.

11 “(50) *TRIBAL ORGANIZATION*.—

12 “(A) *IN GENERAL*.—Except as used in title
 13 IV, the term ‘tribal organization’ means—

14 “(i) the recognized governing body of
 15 an Indian tribe;

16 “(ii) the legally established organiza-
 17 tion of Indians that is controlled, sanc-
 18 tioned, or chartered by the recognized gov-
 19 erning body of an Indian tribe;

20 “(iii) a legally established organization
 21 of Indians that is democratically elected by
 22 the adult members of the Indian community
 23 to be served by such organization and that
 24 includes the maximum participation of In-

dians in all phases of the activities of the organization; and

“(iv) a public or nonprofit private organization that is primarily controlled by and comprised of Indians or Indian tribes.

“(B) TITLE IV.—

“(i) DEFINITION.—As used in title IV, the term ‘tribal organization’ means—

“(I) the recognized governing body of an Indian tribe;

“(II) the legally established organization of Indians that is controlled, sanctioned, or chartered by the recognized governing body of an Indian tribe; and

“(III) a legally established organization of Indians that is democratically elected by the adult members of the Indian community to be served by such organization and that includes the maximum participation of Indians in all phases of the activities of the organization.

“(ii) CLARIFICATION.—As used in this subparagraph, the terms ‘Indian’ and ‘In-

1 dian tribe’ have the meanings given the
 2 terms in paragraphs (24)(B) and (25)(B),
 3 respectively.

4 “(51) UNIT OF GENERAL PURPOSE LOCAL GOV-
 5 ERNMENT.—The term ‘unit of general purpose local
 6 government’ means a political subdivision of a State,
 7 whose authority is general and not limited to only 1
 8 function or combination of related functions.

9 **“Subtitle B—Administration**

10 **“SEC. 111. ESTABLISHMENT OF ADMINISTRATION ON**
 11 **AGING.**

12 “(a) ESTABLISHMENT.—There is established in the Of-
 13 fice of the Secretary, an Administration on Aging, which
 14 shall be headed by an Assistant Secretary for Aging. This
 15 Act shall be administered through the Administration, act-
 16 ing under the supervision of the Secretary.

17 “(b) ASSISTANT SECRETARY.—The Assistant Sec-
 18 retary shall be appointed by the President by and with the
 19 advice and consent of the Senate.

20 “(c) DESIGNATION RELATING TO THE ADMINISTRA-
 21 TION OF THE STATE LONG-TERM CARE OMBUDSMAN PRO-
 22 GRAM.—The Assistant Secretary shall designate an em-
 23 ployee of the Administration who shall be responsible, under
 24 the supervision of the Assistant Secretary, for the adminis-

1 *tration of the State long-term care ombudsman program*
 2 *carried out under this Act.*

3 “(d) *DESIGNATION RELATING TO THE ADMINISTRATION OF THE SENIOR COMMUNITY SERVICE EMPLOYMENT*
 4 *PROGRAM.—The Assistant Secretary shall designate an em-*
 5 *ployee of the Administration who shall be responsible, under*
 6 *the supervision of the Assistant Secretary, for the adminis-*
 7 *tration of subtitle C of title II.*

9 “(e) *DESIGNATION RELATING TO THE ADMINISTRATION OF NUTRITION SERVICES.—*

11 “(1) *IN GENERAL.—The Assistant Secretary*
 12 *shall designate an employee of the Administration*
 13 *who shall be responsible, under the supervision of the*
 14 *Assistant Secretary, for the administration of subtitle*
 15 *C of title III.*

16 “(2) *QUALIFICATIONS.—The employee described*
 17 *in paragraph (1) shall—*

18 “(A) *have expertise in nutrition and die-*
 19 *tary services and planning; and*

20 “(B)(i) *be a registered dietitian;*

21 “(ii) *be a credentialed nutrition profes-*
 22 *sional; or*

23 “(iii) *have education and training that is*
 24 *substantially equivalent, as determined by the*
 25 *Assistant Secretary, to the education and train-*

1 *ing for a registered dietitian or a credentialed*
 2 *nutrition professional.*

3 “(f) *DESIGNATION RELATING TO THE ADMINISTRA-*
 4 *TION OF PROGRAMS AFFECTING NATIVE AMERICANS.—The*
 5 *Assistant Secretary shall designate an employee of the Ad-*
 6 *ministration who has expertise with respect to programs*
 7 *and services affecting Native Americans, to be responsible,*
 8 *under the supervision of the Assistant Secretary, for the ad-*
 9 *ministration of title IV and for coordination of other pro-*
 10 *grams, projects, and activities carried out under this Act*
 11 *that affect Native Americans.*

12 **“SEC. 112. FUNCTIONS OF THE ASSISTANT SECRETARY.**

13 “(a) *DUTIES.—The duties of the Assistant Secretary*
 14 *are as follows:*

15 “(1) *ADMINISTRATION.—The Assistant Secretary*
 16 *shall effectively carry out this Act by administering*
 17 *grants made and contracts entered into under this*
 18 *Act, and carrying out programs under this Act.*

19 “(2) *TECHNICAL ASSISTANCE AND CONSULTATION*
 20 *FOR POLITICAL SUBDIVISIONS, AND TRIBAL ORGANIZA-*
 21 *TIONS.—The Assistant Secretary shall provide tech-*
 22 *nical assistance to, and consult with, States, political*
 23 *subdivisions of States, and tribal organizations, with*
 24 *respect to programs for older individuals and aging.*

1 “(3) *ASSISTANCE TO SECRETARY.—The Assistant*
 2 *Secretary shall directly assist the Secretary in all*
 3 *matters pertaining to problems of older individuals*
 4 *and aging.*

5 “(4) *COORDINATION OF AND ASSISTANCE IN*
 6 *PLANNING.—The Assistant Secretary shall coordinate,*
 7 *and assist in, the planning and development by pub-*
 8 *lic agencies (including Federal, State, and local agen-*
 9 *cies and tribal organizations) and private agencies*
 10 *and organizations of programs for older individuals*
 11 *to facilitate the establishment of a nationwide net-*
 12 *work of comprehensive, coordinated services, and op-*
 13 *portunities, for older individuals.*

14 “(5) *STATISTICAL DATA REGARDING ASSISTED*
 15 *ACTIVITIES.—The Assistant Secretary shall collect, for*
 16 *each fiscal year beginning after September 30, 1996,*
 17 *directly or by contract, statistical data regarding*
 18 *services and activities provided with funds made*
 19 *available under this Act, including—*

20 “(A) *with respect to each type of service or*
 21 *activity provided with such funds (except any*
 22 *service or activity relating to the State long-term*
 23 *care ombudsman program carried out under this*
 24 *Act—*

1 “(i) the aggregate amount of such
2 funds expended to provide such service or
3 activity;

4 “(ii) the unduplicated number of indi-
5 viduals who received such service or partici-
6 pated in such activity;

7 “(iii) the unduplicated number of low-
8 income minority individuals who received
9 such service or participated in such activ-
10 ity; and

11 “(iv) the number of units of such serv-
12 ice or activity provided;

13 “(B)(i) State long-term care ombudsman
14 program data, including numbers, types, and
15 disposition of cases and complaints;

16 “(ii) major institutional care issues identi-
17 fied and addressed by the State long-term care
18 ombudsman program; and

19 “(iii) data on the statewide program devel-
20 opment, operations, and outreach of such pro-
21 gram; and

22 “(C) the number of multipurpose senior cen-
23 ters that received such funds.

24 “(6) UNIFORM DATA COLLECTION PROCE-
25 DURES.—The Assistant Secretary, in order to facili-

1 *tate the collection of data described in paragraph (5),*
2 *shall, not later than 1 year after the date of enact-*
3 *ment of the Older Americans Amendments of 1996—*

4 *“(A) design and implement uniform data*
5 *collection procedures for use by State agencies,*
6 *including—*

7 *“(i) standardized data collection proce-*
8 *dures;*

9 *“(ii) procedures for collecting informa-*
10 *tion regarding gaps in services needed by*
11 *older individuals, as identified by service*
12 *providers who assist older individuals by*
13 *providing, collectively, supportive services*
14 *and nutrition services; and*

15 *“(iii) procedures for assessing the*
16 *unmet need for services provided under this*
17 *Act; and*

18 *“(B) prescribe uniform definitions and no-*
19 *menclature for the categories of data to be col-*
20 *lected (including standard definitions of terms,*
21 *such as the term ‘resolution of a complaint’, to*
22 *be used under the State long-term care ombuds-*
23 *man program carried out under this Act).*

24 *“(7) ADVOCACY.—The Assistant Secretary shall*
25 *serve as the effective and visible advocate for older in-*

1 *dividuals, within the Department of Health and*
 2 *Human Services and with other departments, agen-*
 3 *cies, and instrumentalities of the Federal Government*
 4 *by maintaining active review of and commenting on*
 5 *all Federal policies affecting older individuals.*

6 “(8) *INFORMATION ON COMMUNITY RE-*
 7 *SOURCES.—The Assistant Secretary shall establish*
 8 *and operate, directly or by grant or contract, a na-*
 9 *tionwide toll-free telephone line that provides infor-*
 10 *mation and assistance that—*

11 “(A) *enable individuals to locate commu-*
 12 *nity resources that may be available to older in-*
 13 *dividuals and their caregivers; and*

14 “(B) *build on, support, and are fully co-*
 15 *ordinated with the activities of State agencies*
 16 *and area agencies on aging.*

17 “(b) *FEDERAL AGENCY CONSULTATION.—The Assist-*
 18 *ant Secretary, in carrying out the purpose and provisions*
 19 *of this Act, shall coordinate activities with, advise, consult*
 20 *with, and cooperate with the head of each department, agen-*
 21 *cy, or instrumentality of the Federal Government proposing*
 22 *or administering a program or service substantially related*
 23 *to the purpose of this Act, with respect to such program*
 24 *or service. The Assistant Secretary, in carrying out this Act,*
 25 *may request the technical assistance and cooperation of the*

1 *heads of such departments, agencies, and instrumentalities*
 2 *of the Federal Government as the Assistant Secretary con-*
 3 *siders to be appropriate. The head of each department,*
 4 *agency, or instrumentality of the Federal Government pro-*
 5 *posing to establish or modify any program or service sub-*
 6 *stantially related to the purpose of this Act shall coordinate*
 7 *activities, consult, and cooperate with the Assistant Sec-*
 8 *retary, with respect to such program or service.*

9 “(c) *POWERS.—In carrying out this Act, the Assistant*
 10 *Secretary may exercise the following powers:*

11 “(1) *CONSULTATION; TECHNICAL ASSISTANCE.—*
 12 *The Assistant Secretary may consult with and pro-*
 13 *vide technical assistance to public or nonprofit pri-*
 14 *vate agencies, organizations, and institutions.*

15 “(2) *TRAINING; TECHNICAL INSTRUCTION.—The*
 16 *Assistant Secretary may provide short-term training*
 17 *and technical instruction to public or non-profit pri-*
 18 *vate agencies, organizations, and institutions.*

19 “(3) *GRANTS AND CONTRACTS.—*

20 “(A) *IN GENERAL.—The Assistant Sec-*
 21 *retary, using funds appropriated under section*
 22 *118(b), may make grants to States, public or*
 23 *nonprofit private agencies, organizations, and*
 24 *institutions, and tribal organizations, and may*
 25 *enter into contracts with such agencies, organi-*

1 *zations, and institutions, and with individuals,*
 2 *for activities—*

3 “(i) *to design, to test, and to promote*
 4 *utilization of innovative ideas and best*
 5 *practices in programs and services for older*
 6 *individuals;*

7 “(ii) *to help meet the needs for trained*
 8 *personnel in fields related to aging; and*

9 “(iii) *to increase the awareness of citi-*
 10 *zens of all ages of the need to assume per-*
 11 *sonal responsibility for their aging*
 12 *through—*

13 “(I) *education and training to de-*
 14 *velop an adequately trained workforce*
 15 *to work with and on behalf of older in-*
 16 *dividuals;*

17 “(II) *research and policy analysis*
 18 *to improve access to and delivery of*
 19 *services for older individuals;*

20 “(III) *development of methods and*
 21 *practices to improve quality and effec-*
 22 *tiveness of such services;*

23 “(IV) *demonstration of new ap-*
 24 *proaches to design, delivery, and co-*

1 *ordination of services and activities for*
 2 *older individuals;*

3 “(V) *technical assistance in plan-*
 4 *ning, development, implementation,*
 5 *evaluation, and improvement of pro-*
 6 *grams, projects, and activities under*
 7 *this Act; and*

8 “(VI) *dissemination of informa-*
 9 *tion on issues related to aging and*
 10 *their impact on individuals and soci-*
 11 *ety and information relating to serv-*
 12 *ices and activities benefiting older in-*
 13 *dividuals.*

14 “(B) *APPLICATION.—To be eligible to re-*
 15 *ceive a grant or enter into a contract under this*
 16 *paragraph, an entity or individual shall submit*
 17 *an application to the Assistant Secretary at such*
 18 *time, in such form, and containing such infor-*
 19 *mation as the Secretary may by rule require.*

20 “(4) *MEASUREMENT AND EVALUATION.—*

21 “(A) *IN GENERAL.—The Assistant Secretary*
 22 *may provide for the measurement and evaluation*
 23 *of—*

24 “(i) *the impact of all activities author-*
 25 *ized under this Act;*

1 “(ii) the effectiveness of the activities
2 in achieving the stated goals of the activi-
3 ties, in general and in relation to the cost
4 of the activities;

5 “(iii) the impact of the activities on re-
6 lated programs;

7 “(iv) the effectiveness of the activities
8 in targeting for services under this Act older
9 individuals with the greatest economic need
10 and older individuals with the greatest so-
11 cial need; and

12 “(v) the structure and mechanisms of
13 the activities for delivery of services, includ-
14 ing, where appropriate, comparisons with
15 delivery of services to appropriate control
16 groups, composed of persons who have not
17 participated in such activities.

18 “(B) PERSONS CONDUCTING MEASUREMENT
19 AND EVALUATION.—Measurement and evaluation
20 of activities under subparagraph (A) shall be
21 conducted by persons who are not immediately
22 involved in the administration of the activities.

23 “(5) NATIONAL CENTER ON ELDER ABUSE.—The
24 Assistant Secretary may provide, through grants or

1 *contracts, for the operation of a National Center on*
2 *Elder Abuse to—*

3 “(A) annually compile, publish, and dis-
4 seminate a summary of recently conducted re-
5 search on elder abuse, neglect, and exploitation;

6 “(B) develop and maintain an information
7 clearinghouse on all programs (including private
8 programs) showing promise of success, for the
9 prevention, identification, and treatment of elder
10 abuse, neglect, and exploitation;

11 “(C) compile, publish, and disseminate
12 training materials for personnel who are engaged
13 or intend to engage in the prevention, identifica-
14 tion, and treatment of elder abuse, neglect, and
15 exploitation;

16 “(D) provide technical assistance to State
17 agencies and to other public and nonprofit pri-
18 vate agencies and organizations to assist the
19 agencies and organizations in planning, improv-
20 ing, developing, and carrying out programs and
21 activities relating to the special problems of elder
22 abuse, neglect, and exploitation; and

23 “(E) conduct research and demonstration
24 projects regarding the causes, prevention, identi-

1 *fication, and treatment of elder abuse, neglect,*
 2 *and exploitation.*

3 **“SEC. 113. REPORTS.**

4 *“(a) IN GENERAL.—Not later than 120 days after the*
 5 *end of each fiscal year that begins after September 30, 1996,*
 6 *the Assistant Secretary shall prepare and submit to the*
 7 *President and to Congress a complete report on the pro-*
 8 *grams, projects, and activities carried out under this Act*
 9 *in such fiscal year.*

10 *“(b) CONTENTS.—Such report shall include—*

11 *“(1) statistical data on services and activities*
 12 *provided under this Act for older individuals during*
 13 *the fiscal year for which such report is submitted;*

14 *“(2) statistical data collected under section*
 15 *112(a)(5); and*

16 *“(3) statistical data, and an analysis of infor-*
 17 *mation, regarding the effectiveness of the State agen-*
 18 *cies and area agencies on aging in targeting services*
 19 *to older individuals with greatest economic need and*
 20 *older individuals with greatest social need, with par-*
 21 *ticular attention to low-income minority individuals.*

22 **“SEC. 114. REDUCTION OF PAPERWORK.**

23 *“In order to reduce unnecessary, duplicative, or dis-*
 24 *ruptive demands for information, the Assistant Secretary,*
 25 *in consultation with State agencies and other appropriate*

1 agencies and organizations, shall continually review and
 2 evaluate all requests by employees of the Administration for
 3 information made under this Act and shall take such action
 4 as may be necessary to reduce the paperwork required under
 5 this Act. The Assistant Secretary shall request only such
 6 information as the Assistant Secretary determines to be es-
 7 sential to carry out the purpose and provisions of this Act
 8 and, in gathering such information, shall make use of uni-
 9 form definitions and nomenclature to the extent that such
 10 definitions and nomenclature are available.

11 **“SEC. 115. SURPLUS PROPERTY ELIGIBILITY.**

12 *“Any State or local government agency, and any non-*
 13 *profit private organization or institution, that receives*
 14 *funds appropriated for an activity for older individuals*
 15 *under this Act, under title IV or XX of the Social Security*
 16 *Act (42 U.S.C. 601 et seq. or 1397 et seq.), under title VIII*
 17 *or X of the Economic Opportunity Act of 1964 (42 U.S.C.*
 18 *2991 et seq. or 2996 et seq.), or under the Community Serv-*
 19 *ices Block Grant Act (42 U.S.C. 9901 et seq.), shall be*
 20 *deemed eligible to receive for such activity, property that*
 21 *is declared surplus to the needs of the Federal Government*
 22 *in accordance with laws applicable to surplus property.*

23 **“SEC. 116. TREATMENT OF COSTS.**

24 *“No part of the costs of any activity carried out under*
 25 *this Act (other than any wage or salary to any eligible indi-*

vidual) may be treated as income or benefits of any eligible individual for the purpose of any other activity or provision of Federal or State law.

“SEC. 117. DISASTER RELIEF.

“(a) *RESERVATION OF AMOUNTS.*—At the beginning of each fiscal year, the Assistant Secretary shall reserve a portion equal to .06 percent of the total amount appropriated under subsections (d) and (e) of section 122 for such fiscal year, to provide assistance to entities under this section.

“(b) *ASSISTANCE.*—The Assistant Secretary may provide assistance to eligible entities for the delivery of supportive services, nutrition services, and related supplies during any major disaster declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

“(c) *ELIGIBLE ENTITIES.*—To be eligible to receive assistance under this section, an entity shall be a recipient of funding under this Act (other than this section).

“(d) *APPLICATIONS.*—To be eligible to receive assistance under this section, an entity shall submit an application to the Assistant Secretary at such time, in such manner, and containing such information as the Assistant Secretary may require.

“(e) *UNUSED FUNDS.*—Funds that are reserved under subsection (a) for a fiscal year and that are not distributed

1 *by the end of the fiscal year shall be allotted to States as*
 2 *provided in section 121(c), for use in the following fiscal*
 3 *year.*

4 “(f) *CLARIFICATION.—Nothing in this section shall be*
 5 *construed to prohibit recipients of assistance under this sec-*
 6 *tion from making expenditures for disaster relief for older*
 7 *individuals, in excess of amounts provided under this sec-*
 8 *tion, by using funds made available to the recipients under*
 9 *another section of this Act, under another provision of Fed-*
 10 *eral or State law, or from a private source.*

11 **“SEC. 118. AUTHORIZATION OF APPROPRIATIONS.**

12 “(a) *ADMINISTRATION.—There are authorized to be*
 13 *appropriated to the Administration to carry out this Act*
 14 *(except to make grants and enter into contracts under para-*
 15 *graph (3) or (5) of section 112(c) and to carry out section*
 16 *112(a)(8)) such sums as may be necessary for fiscal years*
 17 *1997 through 2001.*

18 “(b) *INNOVATIVE APPROACHES AND BEST PRACTICES;*
 19 *INFORMATION ON COMMUNITY RESOURCES; NATIONAL CEN-*
 20 *TER ON ELDER ABUSE.—There are authorized to be appro-*
 21 *priated to the Administration to carry out paragraphs (3)*
 22 *and (5) of section 112(c) and section 112(a)(8) such sums*
 23 *as may be necessary for fiscal years 1997 through 2001.*

“Subtitle C—Funding

“SEC. 121. ALLOTMENTS; FEDERAL SHARE.

“(a) ALLOTMENT OF FUNDS FOR OMBUDSMAN PROGRAM.—

“(1) POPULATION.—Subject to paragraph (2), in carrying out the program described in subtitle B of title II, the Assistant Secretary shall allot to each State, from the funds appropriated under section 122(a) for each fiscal year, an amount that bears the same ratio to the funds as the population of older individuals in the State bears to the population of older individuals in all States.

“(2) MINIMUM ALLOTMENTS.—The amounts allotted under paragraph (1) shall be reduced proportionately to the extent necessary to increase other allotments made under such paragraph to achieve the following:

“(A) STATES.—Each State shall be allotted not less than $\frac{1}{2}$ of 1 percent of the funds appropriated under section 122(a) for the fiscal year for which the determination is made.

“(B) GUAM; VIRGIN ISLANDS.—Guam and the Virgin Islands of the United States shall each be allotted not less than $\frac{1}{4}$ of 1 percent of the

1 *funds appropriated under section 122(a) for the*
 2 *fiscal year for which the determination is made.*

3 “(C) *AMERICAN SAMOA; NORTHERN MARI-*
 4 *ANA ISLANDS.*—*American Samoa and the Com-*
 5 *monwealth of the Northern Mariana Islands*
 6 *shall each be allotted not less than $\frac{1}{16}$ of 1 per-*
 7 *cent of the funds appropriated under section*
 8 *122(a) for the fiscal year for which the deter-*
 9 *mination is made.*

10 “(3) *LIMITATION.*—*For the purposes of para-*
 11 *graph (2), the term ‘State’ does not include Guam,*
 12 *American Samoa, the Virgin Islands of the United*
 13 *States, or the Commonwealth of the Northern Mari-*
 14 *ana Islands.*

15 “(4) *POPULATION DETERMINATIONS.*—*For pur-*
 16 *poses of this subsection, the number of older individ-*
 17 *uals in each State shall be determined by the Assist-*
 18 *ant Secretary on the basis of the most recent data*
 19 *available from the Bureau of the Census and other re-*
 20 *liable demographic data satisfactory to the Assistant*
 21 *Secretary.*

22 “(b) *ALLOTMENT OF FUNDS FOR SENIOR COMMUNITY*
 23 *SERVICE EMPLOYMENT PROGRAM.*—

24 “(1) *RESERVATION OF FUNDS FOR TRIBAL ORGA-*
 25 *NIZATIONS.*—*Of the amount appropriated under sec-*

tion 122(b) for each of fiscal years 1997 through 2001, the Assistant Secretary shall reserve not more than 1.3 percent for making grants under subtitle C of title II to tribal organizations.

“(2) ALLOTMENT OF FUNDS FOR FISCAL YEARS 1997 THROUGH 2001.—

“(A) ALLOTMENT.—After reserving funds under paragraph (1), the Assistant Secretary shall allot the remainder of the amount appropriated under section 122(b) for each of fiscal years 1997 through 2001 among the States as follows:

“(i) FISCAL YEARS 1997 THROUGH 1999.—For each of fiscal years 1997, 1998, and 1999—

“(I) each State shall be allotted an amount equal to the product of—

“(aa) the base percentage rate for such fiscal year; and

“(bb) a sum that bears the same ratio to such remainder for such fiscal year as the amount of funds allotted to such State for fiscal year 1995 to carry out title V (as in effect on the day before

1 *the date of enactment of the Older*
 2 *Americans Amendments of 1996)*
 3 *bears to the total amount allotted*
 4 *to all States for fiscal year 1995*
 5 *to carry out such title; and*

6 “(II) *the balance of the remainder*
 7 *for such fiscal year shall be allotted in*
 8 *accordance with subparagraph (C).*

9 “(ii) *FISCAL YEARS 2000 AND 2001.—*
 10 *After reserving funds under paragraph (1),*
 11 *the Assistant Secretary shall allot the bal-*
 12 *ance of the amount appropriated under sec-*
 13 *tion 122(b) for each of fiscal years 2000 and*
 14 *2001 in accordance with subparagraph (C).*

15 “(B) *BASE PERCENTAGE RATES.—For pur-*
 16 *poses of subparagraph (A)(i)(I), the base percent-*
 17 *age rates shall be the following:*

<i>“Fiscal year:</i>	<i>Base percentage rate:</i>
<i>1997</i>	<i>60 percent</i>
<i>1998</i>	<i>40 percent</i>
<i>1999</i>	<i>20 percent.</i>

18 “(C) *ALLOTMENTS BASED ON AGE AND PER*
 19 *CAPITA INCOME.—Each balance referred to in*
 20 *clauses (i)(II) and (ii) of subparagraph (A) for*
 21 *a fiscal year shall be allotted as follows:*

1 “(i) *ALLOTMENT.*—Subject to clause
2 (ii), each State shall be allotted an amount
3 equal to the product of—

4 “(I) the allotment percentage of
5 the State; and

6 “(II) a sum that bears the same
7 ratio to such balance for such fiscal
8 year as the number of individuals 55
9 years of age or older in the State bears
10 to the population of such individuals
11 in all States.

12 “(ii) *REDUCTION.*—The amounts allot-
13 ted under clause (i) shall be reduced propor-
14 tionately to the extent necessary to increase
15 other allotments made under such clause to
16 achieve the following:

17 “(I) *STATES.*—Each State shall
18 be allotted not less than $\frac{1}{2}$ of 1 percent
19 of the balance for the fiscal year for
20 which the determination is made.

21 “(II) *OTHER JURISDICTIONS.*—
22 Guam, American Samoa, the Virgin
23 Islands of the United States, and the
24 Commonwealth of the Northern Mari-
25 ana Islands shall each be allotted not

1 less than $\frac{1}{4}$ of 1 percent of the balance
 2 for the fiscal year for which the deter-
 3 mination is made or \$50,000, which-
 4 ever is greater.

5 “(D) ALLOTMENT PERCENTAGE.—For pur-
 6 poses of subparagraph (C)(i)—

7 “(i) except as provided in clauses (ii)
 8 through (iv), the allotment percentage of
 9 each State shall be 100 percent less the per-
 10 centage that bears the same ratio to 50 per-
 11 cent as the per capita income of the State
 12 bears to the per capita income of all the
 13 States;

14 “(ii) the allotment percentage for each
 15 State shall be not more than 75 percent and
 16 not less than $33\frac{1}{3}$ percent;

17 “(iii) the allotment percentage for
 18 Guam, American Samoa, the Virgin Islands
 19 of the United States, and the Common-
 20 wealth of the Northern Mariana Islands
 21 shall be 75 percent; and

22 “(iv) subject to clause (ii), the allot-
 23 ment percentage for a State whose allotment
 24 percentage is not adjusted under clause (ii)
 25 or (iii) shall be adjusted proportionately to

1 *the extent necessary to achieve the percent-*
 2 *ages required under such clauses.*

3 “(E) *LIMITATION.*—*For purposes of sub-*
 4 *paragraphs (C)(ii)(I) and (D)(i), the term*
 5 *‘State’ does not include Guam, American Samoa,*
 6 *the Virgin Islands of the United States, or the*
 7 *Commonwealth of the Northern Mariana Islands.*

8 “(F) *POPULATION AND PER CAPITA INCOME*
 9 *DETERMINATIONS.*—*For purposes of this para-*
 10 *graph, the number of individuals 55 years of age*
 11 *or older in each State, and the per capita income*
 12 *of each State, shall be determined by the Assist-*
 13 *ant Secretary on the basis of the most recent*
 14 *data available from the Bureau of the Census*
 15 *and other reliable demographic data satisfactory*
 16 *to the Assistant Secretary.*

17 “(c) *ALLOTMENT OF FUNDS FOR SUPPORTIVE SERV-*
 18 *ICES AND MULTIPURPOSE SENIOR CENTERS, AND NUTRI-*
 19 *TION SERVICES.*—

20 “(1) *RESERVATION AND ALLOTMENT OF FUNDS*
 21 *FOR TERRITORIES.*—

22 “(A) *IN GENERAL.*—*After reserving funds*
 23 *under section 117(a) for each of fiscal years 1997*
 24 *through 2001, the Assistant Secretary shall re-*
 25 *serve not less than 0.625 percent of the remain-*

der of the sum of the amounts appropriated under subsections (d) and (e) of section 122 for each of such fiscal years for making allotments to Guam, American Samoa, the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands.

“(B) ALLOTMENTS.—

“(i) GUAM; VIRGIN ISLANDS.—Guam and the Virgin Islands of the United States shall each be allotted not less than $\frac{1}{4}$ of 1 percent of the remainder described in subparagraph (A) for each of fiscal years 1997 through 2001.

“(ii) AMERICAN SAMOA; NORTHERN MARIANA ISLANDS.—American Samoa and the Commonwealth of the Northern Mariana Islands shall each be allotted not less than $\frac{1}{16}$ of 1 percent of the remainder described in subparagraph (A) for each of fiscal years 1997 through 2001.

“(2) ALLOTMENT OF FUNDS TO STATES.—

“(A) ALLOTMENT.—Except as provided in subparagraph (B), from the balance of the sum of the amounts appropriated under subsections (d) and (e) of section 122 for each of fiscal years

1 1997 through 2001 that remains after the res-
 2 ervations made under section 117(a) and para-
 3 graph (1), the Assistant Secretary shall allot to
 4 each State the product of—

5 “(i) the balance;

6 “(ii) the elderly in-need percentage for
 7 the State; and

8 “(iii) the older Americans Federal per-
 9 centage for the State.

10 “(B) ADJUSTMENTS.—

11 “(i) OLDER AMERICANS FEDERAL PER-
 12 CENTAGE.—For purposes of this paragraph,
 13 the older Americans Federal percentage for
 14 a State shall be not less than .32 and not
 15 more than .36.

16 “(ii) STATE MINIMUM.—Each State
 17 shall be allotted, under this paragraph, not
 18 less than $\frac{1}{2}$ of 1 percent of the remainder
 19 described in paragraph (1)(A) for each fis-
 20 cal year.

21 “(iii) MAINTENANCE OF FISCAL YEAR
 22 1995 ASSISTANCE.—

23 “(I) HIGHER APPROPRIATION
 24 YEAR.—As used in subclause (II), the
 25 term ‘higher appropriation year’

means a fiscal year for which the sum of the amounts appropriated under subsections (d) and (e) of section 122 equals or is greater than the total amount appropriated for fiscal year 1995 to carry out activities under titles III and VII, other than under section 311 or chapter 2 of subtitle A of title VII (as such titles, section, and chapter were in effect on September 30, 1994).

“(II) ALLOTMENT FOR HIGHER APPROPRIATION YEAR.—For any higher appropriation year, each State that received funds in an amount of less than \$4,310,000 for fiscal year 1995 to carry out activities described in subclause (I), shall be allotted, under this paragraph, not less than such amount.

“(III) LOWER APPROPRIATION YEAR.—As used in subclause (IV), the term ‘lower appropriation year’ means a fiscal year that is not a higher appropriation year.

1 “(IV) ALLOTMENT FOR LOWER
 2 APPROPRIATION YEAR.—For any lower
 3 appropriation year, each State referred
 4 to in subclause (II) shall be allotted,
 5 under this paragraph, not less than an
 6 amount that bears the same ratio to
 7 the sum of the amounts appropriated
 8 under subsections (d) and (e) of section
 9 122 for the fiscal year as the amount
 10 received by the State to carry out ac-
 11 tivities described in subclause (I) for
 12 fiscal year 1995 bears to the total
 13 amount received by all States to carry
 14 out such activities for fiscal year 1995.

15 “(iv) MAINTENANCE OF FISCAL YEAR
 16 1997 INCREASE.—

17 “(I) HIGHER APPROPRIATION
 18 YEAR.—As used in subclause (II), the
 19 term ‘higher appropriation year’
 20 means a fiscal year for which the sum
 21 of the amounts appropriated under
 22 subsections (d) and (e) of section 122
 23 equals or is greater than the sum of the
 24 amounts so appropriated for fiscal
 25 year 1997.

1 “(II) ALLOTMENT OF HIGHER AP-
2 PROPRIATION YEAR.—Each State that
3 received a percentage increase in an
4 allotment for fiscal year 1997 that is
5 greater than the percentage increase in
6 the total of the allotments made to
7 States for fiscal year 1997 shall be al-
8 lotted, under this paragraph, for each
9 subsequent higher appropriation year,
10 not less than the amount of the allot-
11 ment received by the State under this
12 paragraph for fiscal year 1997.

13 “(III) LOWER APPROPRIATION
14 YEAR.—As used in subclause (IV), the
15 term ‘lower appropriation year’ means
16 a fiscal year subsequent to fiscal year
17 1997 that is not a higher appropria-
18 tion year.

19 “(IV) ALLOTMENT FOR LOWER
20 APPROPRIATION YEAR.—For any lower
21 appropriation year, each State referred
22 to in subclause (II) shall be allotted,
23 under this paragraph, not less than an
24 amount that bears the same ratio to
25 the sum of the amounts appropriated

1 under subsections (d) and (e) of section
 2 122 for the fiscal year as the allotment
 3 received by the State under this para-
 4 graph for fiscal year 1997 bears to the
 5 total of the allotments received by all
 6 States under this paragraph for fiscal
 7 year 1997.

8 “(v) *CEILING*.—No State may receive a
 9 larger percentage increase in an allotment
 10 for a fiscal year than the sum of—

11 “(I) the percentage increase in the
 12 total of the allotments made to States
 13 for the fiscal year; and

14 “(II) 3.75 percent.

15 “(vi) *FLOOR*.—No State may receive a
 16 smaller percentage increase in an allotment
 17 for a fiscal year than—

18 “(I) the percentage increase in the
 19 total of the allotments made to States
 20 for the fiscal year; minus

21 “(II) 4.00 percent.

22 “(vii) *PRO RATA ADJUSTMENT*.—After
 23 making the allotments described in subpara-
 24 graph (A), the Assistant Secretary shall ad-

1 *just the allotments on a pro rata basis in*
 2 *accordance with clauses (i) through (vi).*

3 “(viii) *PERCENTAGE INCREASE.*— *As*
 4 *used in this subparagraph, the term ‘per-*
 5 *centage increase’, used with respect to the*
 6 *allotment of a State for a fiscal year, means*
 7 *the percentage by which the allotment of the*
 8 *State under this paragraph for the fiscal*
 9 *year is greater than the allotment of the*
 10 *State under this paragraph for the previous*
 11 *fiscal year.*

12 “(3) *FEDERAL SHARE REQUIREMENT.*—

13 “(A) *IN GENERAL.*—*A State that receives*
 14 *an allotment under this subsection for a fiscal*
 15 *year shall use funds made available through the*
 16 *allotment to pay for the Federal share of the cost*
 17 *of carrying out subtitles B and C of title III for*
 18 *such fiscal year.*

19 “(B) *FEDERAL SHARE.*—*The Federal share*
 20 *of the cost of carrying out such subtitles shall be*
 21 *not more than 85 percent.*

22 “(C) *NON-FEDERAL SHARE.*—*The non-Fed-*
 23 *eral share of such cost shall be contributed in*
 24 *cash or in kind. In determining the amount of*
 25 *the non-Federal share, the Assistant Secretary*

1 *may attribute fair market value to services and*
 2 *facilities contributed from non-Federal sources.*

3 “(d) *PERMITTED USE OF ALLOTMENTS.*—

4 “(1) *ADMINISTRATION OF STATE PLANS.*—

5 “(A) *STATES.*—*Except as provided in sub-*
 6 *paragraph (B), an amount equal to the greater*
 7 *of 5 percent, or \$500,000, of the aggregate of the*
 8 *allotments made under subsections (a) and (c)*
 9 *and the assistance made available under section*
 10 *231 to a State for a fiscal year shall be available*
 11 *to the State to use for such fiscal year in accord-*
 12 *ance with section 203(a).*

13 “(B) *OTHER JURISDICTIONS.*—*In the case*
 14 *of allotments made under subsections (a) and (c)*
 15 *and assistance made available under section 231*
 16 *to Guam, American Samoa, the Virgin Islands*
 17 *of the United States, or the Commonwealth of the*
 18 *Northern Mariana Islands, an amount equal to*
 19 *the greater of 5 percent, or \$100,000, of the ag-*
 20 *gregate of such allotments and assistance for a*
 21 *fiscal year shall be available to the State to use*
 22 *for such fiscal year in accordance with section*
 23 *203(a).*

24 “(2) *APPLICATION TO USE ADDITIONAL FUNDS.*—

1 “(A) *DETERMINATION.*—If a State submits
2 an application in which the State requests per-
3 mission to use additional funds, above the
4 amount that would otherwise be permitted under
5 paragraph (1), from the aggregate of the allot-
6 ments and assistance described in subparagraph
7 (A) or (B), as appropriate, of paragraph (1) in
8 accordance with section 203(a), the Assistant
9 Secretary may approve the application if the As-
10 sistant Secretary determines, based on a particu-
11 larized showing of need, that—

12 “(i) the State will be unable to fully
13 and effectively administer the State plan of
14 the State submitted under section 202 and
15 to carry out programs, projects, and activi-
16 ties authorized under subtitles B and D of
17 title II, and subtitles B and C of title III,
18 unless the additional funds are made avail-
19 able by the Assistant Secretary;

20 “(ii) the State is making full and effec-
21 tive use of the allotments and assistance de-
22 scribed in subparagraph (A) or (B), as ap-
23 propriate, of paragraph (1) and of the per-
24 sonnel of the State agency and area agen-
25 cies on aging in the administration of the

1 *State plan in accordance with section*
 2 *203(a); and*

3 “(iii) *the State agency and area agen-*
 4 *cies on aging are carrying out, on a full-*
 5 *time basis, programs, projects, and activi-*
 6 *ties that are in furtherance of the objectives*
 7 *of subtitles B and D of title II and subtitles*
 8 *B and C of title III.*

9 “(B) *PART OF ADDITIONAL FUNDS.—Subject*
 10 *to subparagraph (C), the Assistant Secretary*
 11 *may approve such use of any part of the addi-*
 12 *tional funds requested in such application that*
 13 *the Assistant Secretary determines is justified in*
 14 *such application.*

15 “(C) *LIMIT ON AMOUNT.—The additional*
 16 *funds available under this paragraph to a par-*
 17 *ticular State for such use for any fiscal year*
 18 *may not exceed $\frac{3}{4}$ of 1 percent of the aggregate*
 19 *of the allotments and assistance described in sub-*
 20 *paragraph (A) or (B), as appropriate, of para-*
 21 *graph (1) that are provided to the State for such*
 22 *fiscal year.*

23 “(D) *ASSURANCES.—*

24 “(i) *IN GENERAL.—The Assistant Sec-*
 25 *retary may not approve an application sub-*

mitted under subparagraph (A) by a State unless the application contains the assurance described in clause (ii).

“(ii) *PROHIBITION ON REPLACEMENT OF EMPLOYEES WITH PARTICIPANTS SUPPORTED UNDER THIS ACT.*—The application shall contain an assurance that the State will not use any funds made available under this paragraph for the use described in subparagraph (A) to hire any individual to fill a job opening created by an action of the State that consists of laying off or terminating the employment of any regular employee not supported under this Act in anticipation of filling the job opening so created by hiring a participant to be supported through use of such funds.

“(3) *ADDITIONAL USE.*—Of the amount that is made available to a State through allotments made under subsections (a) and (c) and assistance made available under section 231 for a fiscal year and that remains after the application of paragraphs (1) and (2), such part as the State agency determines to be appropriate, but not more than 10 percent of such remaining amount, may be used to pay such percentage

1 *as the State agency determines to be appropriate, but*
 2 *not more than 85 percent, of the administrative costs*
 3 *incurred to carry out area plans submitted in accord-*
 4 *ance with section 302.*

5 “(4) *OMBUDSMAN PROGRAM.*—*Of the amount*
 6 *that is made available to a State for supportive serv-*
 7 *ices (including services to support multipurpose sen-*
 8 *ior centers) through an allotment made under sub-*
 9 *section (c) for a fiscal year and that remains after the*
 10 *application of paragraphs (1), (2), and (3), such*
 11 *amount as the State agency determines to be adequate*
 12 *for conducting an effective ombudsman program in*
 13 *accordance with subtitle B of title II shall be avail-*
 14 *able for conducting such program.*

15 “(e) *REALLOTMENT.*—*If any part of the amount allot-*
 16 *ted under a subsection of this section to a State for a fiscal*
 17 *year is not distributed to the State for such fiscal year, such*
 18 *part shall be reallocated under such subsection for such fiscal*
 19 *year to the remaining eligible States.*

20 “(f) *DEFINITIONS.*—*For purposes of subsection (c):*

21 “(1) *ELDERLY IN-NEED PERCENTAGE.*—

22 “(A) *PERCENTAGE.*—*The term ‘elderly in-*
 23 *need percentage’, used with respect to a State,*
 24 *means the sum of—*

25 “(i) *the product of—*

1 “(I) 0.65; and

2 “(II) the number of individuals
3 who are age 60 or older in the State
4 divided by the number of such individ-
5 uals in all States;

6 “(ii) the product of—

7 “(I) 0.03; and

8 “(II) the number of individuals
9 who are ages 70 through 74 in the
10 State divided by the number of such
11 individuals in all States;

12 “(iii) the product of—

13 “(I) 0.08; and

14 “(II) the number of individuals
15 who are ages 75 through 79 in the
16 State divided by the number of such
17 individuals in all States;

18 “(iv) the product of—

19 “(I) 0.09; and

20 “(II) the number of individuals
21 who are ages 80 through 84 in the
22 State divided by the number of such
23 individuals in all States; and

24 “(v) the product of—

25 “(I) 0.15; and

1 “(II) *the number of individuals*
 2 *who are age 85 or older in the State*
 3 *divided by the number of such individ-*
 4 *uals in all States.*

5 “(B) *RULE.—For purposes of this para-*
 6 *graph, the Assistant Secretary shall determine*
 7 *the number of individuals in a State on the basis*
 8 *of the most recent data available from the Bu-*
 9 *reau of the Census.*

10 “(2) *OLDER AMERICANS FEDERAL PERCENT-*
 11 *AGE.—The term ‘older Americans Federal percentage’,*
 12 *used with respect to a State, means the result ob-*
 13 *tained by subtracting from 1 the product of—*

14 “(A) *0.65; and*

15 “(B) *the result obtained by dividing the*
 16 *total taxable resources percentage for the State*
 17 *by the elderly in-need percentage for the State.*

18 “(3) *STATE.—The term ‘State’ means any of the*
 19 *several States, the District of Columbia, and the Com-*
 20 *monwealth of Puerto Rico.*

21 “(4) *TOTAL TAXABLE RESOURCES PERCENT-*
 22 *AGE.—*

23 “(A) *PERCENTAGE.—The term ‘total taxable*
 24 *resources percentage’—*

1 “(i) *used with respect to a State other*
 2 *than the District of Columbia, means the*
 3 *total taxable resources of the State divided*
 4 *by the total taxable resources of all States;*
 5 *and*

6 “(ii) *used with respect to the District*
 7 *of Columbia, means the total personal in-*
 8 *come of the District divided by the total*
 9 *personal income of all States.*

10 “(B) *DEFINITIONS.—As used in this para-*
 11 *graph:*

12 “(i) *TOTAL PERSONAL INCOME.—The*
 13 *term ‘total personal income’, used with re-*
 14 *spect to a State, means the most recent 3-*
 15 *year arithmetic mean of the total personal*
 16 *income of the State, as determined by the*
 17 *Director of the Bureau of Economic Analy-*
 18 *sis of the Department of Commerce.*

19 “(ii) *TOTAL TAXABLE RESOURCES.—*
 20 *The term ‘total taxable resources’, used with*
 21 *respect to a State, means the most recent 3-*
 22 *year arithmetic mean of the total taxable*
 23 *resources of the State, as determined by the*
 24 *Secretary of the Treasury.*

1 **“SEC. 122. AUTHORIZATION OF APPROPRIATIONS.**

2 “(a) *STATE LONG-TERM CARE OMBUDSMAN PRO-*
3 *GRAM.*—*There are authorized to be appropriated to carry*
4 *out subtitle B of title II, such sums as may be necessary*
5 *for fiscal years 1997 through 2001.*

6 “(b) *SENIOR COMMUNITY SERVICE EMPLOYMENT PRO-*
7 *GRAM.*—*There are authorized to be appropriated to carry*
8 *out subtitle C of title II, such sums as may be necessary*
9 *for fiscal years 1997 through 2001.*

10 “(c) *DISEASE PREVENTION AND HEALTH PRO-*
11 *MOTION.*—*There are authorized to be appropriated to carry*
12 *out subtitle D of title II, such sums as may be necessary*
13 *for fiscal years 1997 through 2001.*

14 “(d) *SUPPORTIVE SERVICES AND SENIOR CENTERS.*—
15 *There are authorized to be appropriated to carry out sub-*
16 *title B of title III, such sums as may be necessary for fiscal*
17 *years 1997 through 2001.*

18 “(e) *NUTRITION SERVICES.*—*There are authorized to*
19 *be appropriated to carry out subtitle C of title III, such*
20 *sums as may be necessary for fiscal years 1997 through*
21 *2001.*

22 “(f) *PROGRAM YEAR AND EXTENSIONS.*—

23 “(1) *PROGRAM YEAR.*—*Amounts appropriated*
24 *under subsection (b) for any fiscal year shall be used*
25 *during the annual period that—*

1 “(A) begins on July 1 of the calendar year
 2 immediately following the beginning of such fis-
 3 cal year; and

4 “(B) ends on June 30 of the following cal-
 5 endar year.

6 “(2) *EXTENSIONS.*—If, in accordance with sec-
 7 tion 121(e), any part of an allotment is reallocated to
 8 a State for a fiscal year, such part shall be considered
 9 to be a portion of the appropriate allotment of the
 10 State for the fiscal year, but shall remain available
 11 for obligation for the State until the end of the suc-
 12 ceeding fiscal year.

13 **“SEC. 123. ADDITIONAL FUNDS AVAILABLE FOR NUTRITION**
 14 **SERVICES.**

15 “(a) *FUNDS AVAILABLE.*—There are authorized to be
 16 appropriated to the Secretary of Agriculture (in addition
 17 to the amount appropriated to the Secretary of Health and
 18 Human Services under section 122(e)) to provide nutrition
 19 services under subtitle C of title III \$156,625,000 for fiscal
 20 year 1997 and such sums as may be necessary for fiscal
 21 years 1998 through 2001.

22 “(b) *DIVISION OF FUNDS.*—The Secretary of Agri-
 23 culture shall divide the funds that are made available under
 24 subsection (a) so that—

1 “(1) 98.9 percent of such funds is allotted to
 2 States in accordance with subsection (c) to provide
 3 nutrition services under subtitle C of title III; and

4 “(2) the balance is available to make grants
 5 under title IV to provide nutrition services.

6 “(c) ALLOTMENT.—In providing funds for nutrition
 7 services under subsection (b)(1) for a fiscal year, the Sec-
 8 retary of Agriculture shall determine a per meal rate equal
 9 to the amount appropriated under subsection (a) for the
 10 fiscal year, divided by the number of meals served in the
 11 preceding fiscal year. The Secretary of Agriculture shall
 12 allot to each State, for the fiscal year for which the deter-
 13 mination is made, the product of the per meal rate and
 14 the number of meals served in the State in the preceding
 15 fiscal year.

16 “(d) RECEIPT OF COMMODITIES IN LIEU OF CASH.—
 17 A State or area agency on aging that receives funds allotted
 18 under subsection (b)(1), or a recipient of a grant referred
 19 to in subsection (b)(2), may elect to enter into an agreement
 20 with the Secretary of Agriculture to purchase commodities
 21 with all or part of such funds or of the funds made available
 22 through such grant, through authorities including section
 23 32 of the Act entitled “An Act to amend the Agricultural
 24 Adjustment Act, and for other purposes”, approved August
 25 24, 1935 (7 U.S.C. 612c), section 416 of the Agricultural

1 *Act of 1949 (7 U.S.C. 1431), and section 709 of the Food*
 2 *and Agriculture Act of 1965 (7 U.S.C. 1446a–1).*

3 **“TITLE II—STATE PROGRAMS ON**
 4 **AGING**

5 **“Subtitle A—General Provisions**

6 **“SEC. 201. ELIGIBILITY OF STATES.**

7 *“(a) ELIGIBILITY OF STATES.—For a State to be eligi-*
 8 *ble for grants from the allotment made for the State under*
 9 *subsection (a) or (c) of section 121, or assistance available*
 10 *under section 123 or 231—*

11 *“(1) the State shall, in accordance with rules is-*
 12 *sued by the Secretary, designate a State agency as the*
 13 *sole State agency to—*

14 *“(A) develop a State plan to be submitted*
 15 *to the Assistant Secretary for approval under*
 16 *section 202;*

17 *“(B) administer the State plan within the*
 18 *State;*

19 *“(C) be responsible for the planning, policy*
 20 *development, administration, coordination, pri-*
 21 *ority setting, and evaluation of all activities*
 22 *specified in the State plan and related to carry-*
 23 *ing out subtitles B, C, and D, and subtitles B*
 24 *and C of title III;*

1 “(D) serve as an effective and visible advo-
2 cate for older individuals by reviewing and com-
3 menting on all State plans, budgets, and policies
4 that affect older individuals, and provide tech-
5 nical assistance to any agency, organization, or
6 association representing the needs of older indi-
7 viduals; and

8 “(E) except as provided in subsection (c)—

9 “(i) divide the State into distinct plan-
10 ning and service areas, after considering—

11 “(I) the geographical distribution
12 of older individuals in the State;

13 “(II) the incidence of the need for
14 supportive services (including services
15 to support multipurpose senior centers)
16 and nutrition services;

17 “(III) the distribution of older in-
18 dividuals who have the greatest eco-
19 nomic need or the greatest social need,
20 with attention to the distribution of
21 older individuals who are low-income
22 minority individuals;

23 “(IV) the distribution of resources
24 available to provide the services and
25 centers described in subclause (II);

1 “(V) the boundaries of existing (as
2 of the date of the division) planning
3 and service areas within the State;

4 “(VI) the characteristics of the
5 local government within the State; and

6 “(VII) other relevant factors; or

7 “(ii) designate the entire State as a
8 single planning and service area; and

9 “(2) the State agency shall—

10 “(A) designate an area agency on aging for
11 each planning and service area;

12 “(B) take into account in the development
13 and administration of the State plan for any fis-
14 cal year, the views of—

15 “(i) recipients of services through the
16 State long-term care ombudsman program,
17 community service employment, supportive
18 services, nutrition services, or disease pre-
19 vention and health promotion services and
20 information, as the case may be, provided
21 under such plan; and

22 “(ii) individuals using multipurpose
23 senior centers provided under such plan;

24 “(C) after consultation with area agencies
25 on aging and using the best available data, de-

1 *velop and publish for review and comment a for-*
 2 *mula for distribution within the State of funds*
 3 *received to carry out subtitles B and C of title*
 4 *III that takes into account—*

5 *“(i) the geographical distribution of*
 6 *older individuals in the State; and*

7 *“(ii) the distribution among planning*
 8 *and service areas of older individuals with*
 9 *greatest economic need and older individ-*
 10 *uals with greatest social need; and*

11 *“(D) provide an assurance that the State*
 12 *will give preference, in providing services under*
 13 *subtitles B and C, and subtitles B and C of title*
 14 *III, to older individuals with greatest economic*
 15 *need and older individuals with greatest social*
 16 *need, with particular attention to low-income*
 17 *minority individuals, and include in the State*
 18 *plan proposed methods of carrying out the pref-*
 19 *erence.*

20 *“(b) DUE PROCESS.—*

21 *“(1) IN GENERAL.—A State agency shall estab-*
 22 *lish and publish, after consultation with area agencies*
 23 *on aging, procedures that the State agency shall fol-*
 24 *low to provide due process to affected parties if the*
 25 *State agency initiates an action or proceeding to*

1 *change the designation of any designated planning*
2 *and service area or of any designated area agency on*
3 *aging.*

4 “(2) *PROCEDURES.*—*At a minimum, such proce-*
5 *dures shall include procedures for—*

6 “(A) *providing notice of an action to*
7 *change the designation of a designated planning*
8 *and service area or of a designated area agency*
9 *on aging;*

10 “(B) *providing documentation of the need*
11 *for such action; and*

12 “(C) *at the request of the area agency on*
13 *aging involved, conducting a public hearing con-*
14 *cerning such action.*

15 “(c) *GRANDFATHER PROVISION.*—

16 “(1) *ADDITIONAL DESIGNATIONS.*—*A State that*
17 *on or before October 1, 1980, had designated, with the*
18 *approval of the Commissioner on Aging, a single*
19 *planning and service area covering all of the older in-*
20 *dividuals in the State, in which the State agency was*
21 *administering the area plan, may after such date des-*
22 *ignate in accordance with subsection (a)(1)(E) one or*
23 *more additional planning and service areas within*
24 *the State to be administered by an area agency on*
25 *aging.*

1 “(2) *STATE FUNCTIONS.*—*The State agency shall*
2 *continue to perform the functions of an area agency*
3 *on aging for any remaining area of the State not in-*
4 *cluded in a planning and service area for which an*
5 *area agency on aging has been designated.*

6 “(d) *INTERSTATE PLANNING AND SERVICE AREAS.*—
7 *The chief executive officer of each State that contains a re-*
8 *gion of an interstate geographic area or of an interstate*
9 *Indian reservation, may apply to the Assistant Secretary*
10 *to request redesignation of the geographic area or reserva-*
11 *tion as an interstate planning and service area. If the As-*
12 *stant Secretary approves the application, the Assistant*
13 *Secretary shall adjust the allotment of each State contain-*
14 *ing a region of the interstate planning and service area,*
15 *to reflect the number of older individuals within the region.*

16 “(e) *NONDESIGNATION OF INDIAN RESERVATIONS.*—*If*
17 *a State declines to designate an Indian reservation as a*
18 *planning and service area, the Indian tribe residing on the*
19 *reservation may appeal the decision of the State to the As-*
20 *stant Secretary. The Assistant Secretary may order the*
21 *State to designate the Indian reservation as a planning and*
22 *service area as a condition of receiving funding under this*
23 *Act.*

1 **“SEC. 202. STATE PLANS.**

2 “(a) *PLAN.*—For a State to be eligible for grants from
3 the allotment made for the State under subsection (a), (b),
4 or (c) of section 121, or assistance available under section
5 123 or 231, for any fiscal year, the State shall prepare and
6 submit to the Assistant Secretary a State plan, which incor-
7 porates input from area agencies on aging in the State, for
8 a 2-, 3-, or 4-year period determined by the State agency,
9 with such annual revisions as are necessary. Each such
10 plan shall comply with all of the following requirements:

11 “(1) *UNIFORM AREA PLAN FORMAT.*—The plan
12 shall contain assurances that the State plan is based
13 on area plans developed by area agencies on aging
14 within the State and that the State has prepared and
15 distributed a uniform format for use by area agencies
16 on aging in developing area plans under section 302.

17 “(2) *APPROVAL OF AREA PLAN.*—The plan shall
18 provide that each such area agency on aging has pre-
19 pared, developed, and submitted to the State agency
20 for approval an area plan that complies with section
21 302.

22 “(3) *HEARINGS.*—The plan shall provide that
23 the State agency will establish a grievance procedure
24 that will afford an opportunity for a hearing on re-
25 quest to any area agency on aging submitting a plan
26 under section 302, to any provider of a service under

1 *such a plan, or to any applicant to provide a service*
 2 *under such a plan. The State agency shall establish*
 3 *and publish the procedures for requesting and con-*
 4 *ducting such hearing.*

5 *“(4) FISCAL CONTROL AND FUND ACCOUNTING;*
 6 *CONFLICTS OF INTEREST.—*

7 *“(A) FISCAL CONTROL AND FUND ACCOUNT-*
 8 *ING PROCEDURES.—The plan shall provide an*
 9 *assurance that the State will adopt such fiscal*
 10 *control and fund accounting procedures as may*
 11 *be necessary to assure proper disbursement of,*
 12 *and accounting for, funds made available*
 13 *through allotments made under subsections (a),*
 14 *(b), and (c) of section 121, and assistance made*
 15 *available under sections 123 and 231, to the*
 16 *State, including any such funds or assistance*
 17 *paid to the recipients of a grant or contract with*
 18 *the State.*

19 *“(B) CONFLICTS OF INTEREST.—The plan*
 20 *shall provide assurances that—*

21 *“(i) no individual (appointed or other-*
 22 *wise) involved in the designation of the*
 23 *State agency or an area agency on aging in*
 24 *the State, or in the designation of the head*
 25 *of the State agency, the head of such an*

1 *area agency on aging, or the head of any*
 2 *subdivision of the State agency or of such*
 3 *an area agency on aging, is subject to a*
 4 *conflict of interest prohibited under this*
 5 *Act;*

6 “(ii) *no officer, employee, or other rep-*
 7 *resentative of the State agency or an area*
 8 *agency on aging in the State is subject to*
 9 *a conflict of interest prohibited under this*
 10 *Act; and*

11 “(iii) *mechanisms are in place in the*
 12 *State to identify and remove conflicts of in-*
 13 *terest prohibited under this Act.*

14 “(C) *INTEGRITY; PUBLIC PURPOSE; EN-*
 15 *HANCEMENT.—The plan shall provide assurances*
 16 *that the State agency and each area agency on*
 17 *aging in the State will—*

18 “(i) *maintain the integrity and public*
 19 *purpose of service providers utilized, and*
 20 *services provided, under the State plan in*
 21 *all contractual and commercial relation-*
 22 *ships; and*

23 “(ii) *demonstrate that the quantity or*
 24 *quality of the services to be provided under*

1 *the State plan will be enhanced as a result*
 2 *of such contract or such relationship.*

3 “(5) *INFORMATION AND ASSISTANCE SERVICES.*—

4 “(A) *IN GENERAL.*—*It shall be a primary*
 5 *responsibility of the State agency to ensure that*
 6 *the plan provides for establishing and maintain-*
 7 *ing information and assistance services in suffi-*
 8 *cient numbers to ensure, to the maximum extent*
 9 *practicable, that all older individuals in the*
 10 *State who are not furnished adequate informa-*
 11 *tion and assistance services under section*
 12 *302(a)(3) will have reasonably convenient access*
 13 *to such services.*

14 “(B) *INSURANCE BENEFITS AND PUBLIC*
 15 *BENEFITS.*—*The plan shall contain an assurance*
 16 *that each area agency on aging in the State, in*
 17 *providing information and assistance services—*

18 “(i) *will carry out a program for pro-*
 19 *vision of outreach, counseling, and assist-*
 20 *ance to aid older individuals in obtaining*
 21 *insurance benefits and public benefits; and*

22 “(ii) *will expend, to carry out the pro-*
 23 *gram, a specific percentage, stated in the*
 24 *State plan, of the agency’s share of funds*

1 *made available under section 122(d) and al-*
 2 *lotted to the State under section 121(c).*

3 “(6) *LIMITATIONS.*—

4 “(A) *PROHIBITION ON DIRECT PROVISION*
 5 *OF SERVICES.*—*Except as provided in subpara-*
 6 *graphs (B) and (C) and section 302(c)(3), the*
 7 *plan shall provide that no supportive services or*
 8 *nutrition services, including home-delivered serv-*
 9 *ices, will be directly provided by the State agen-*
 10 *cy or an area agency on aging.*

11 “(B) *ADMINISTRATIVE EXCEPTIONS.*—*Sub-*
 12 *paragraph (A) shall not apply when, in the*
 13 *judgment of the State agency—*

14 “(i) *the provision of services described*
 15 *in subparagraph (A) by the State agency or*
 16 *an area agency on aging is necessary to en-*
 17 *sure an adequate supply of such services;*

18 “(ii) *such services are directly related*
 19 *to the administrative functions of the State*
 20 *agency or area agency on aging; or*

21 “(iii) *such services of comparable qual-*
 22 *ity can be provided more economically by*
 23 *the State agency or area agency on aging.*

24 “(C) *EXCEPTION FOR CERTAIN SERVICES.*—
 25 *Subparagraph (A) shall not apply with respect*

1 to information and assistance services, case man-
2 agement services, and outreach.

3 “(7) *STATE LONG-TERM CARE OMBUDSMAN PRO-*
4 *GRAM.*—The plan shall provide assurances that the
5 State agency will carry out a State long-term care
6 ombudsman program that complies with all the re-
7 quirements specified in subtitle B.

8 “(8) *LEGAL ASSISTANCE.*—The plan shall con-
9 tain assurances, with respect to legal assistance, that
10 each area agency on aging in the State will—

11 “(A) expend, for the delivery of legal assist-
12 ance, a specific percentage, stated in the State
13 plan, of the agency’s share of funds made avail-
14 able under section 122(d) and allotted to the
15 State under section 121(c); and

16 “(B)(i) enter into contracts with providers
17 of legal assistance that can demonstrate the expe-
18 rience or capacity to deliver legal assistance; and

19 “(ii) attempt to involve private attorneys in
20 legal assistance activities authorized under sub-
21 title B of title III, including groups of private
22 attorneys who are furnishing services to older in-
23 dividuals on a pro bono basis or on a reduced
24 fee basis.

1 “(9) *PREVENTION OF ELDER ABUSE, NEGLECT,*
2 *AND EXPLOITATION.*—Whenever the State desires to
3 provide for programs for the prevention of elder
4 abuse, neglect, and exploitation for a fiscal year, the
5 plan shall—

6 “(A) contain an assurance that each area
7 agency on aging in the State will expend, to
8 carry out a program for the prevention of elder
9 abuse, neglect, and exploitation, a specific per-
10 centage, stated in the State plan, of the agency’s
11 share of funds made available under section
12 122(d) and allotted to the State under section
13 121(c);

14 “(B) contain an assurance that the State
15 has in effect laws relating to elder abuse, neglect,
16 and exploitation that include provisions for im-
17 munity for persons who report instances of elder
18 abuse, neglect, and exploitation, from prosecution
19 under any State or local law arising out of such
20 reporting;

21 “(C) contain an assurance that individuals
22 who provide services to prevent elder abuse, ne-
23 glect, and exploitation are trained to effectively
24 deal with such reported instances;

1 “(D) contain an assurance that involuntary
2 or coerced participation in such programs by al-
3 leged victims, alleged abusers, or members of the
4 households of alleged victims or alleged abusers
5 will not be permitted;

6 “(E) contain an assurance that the State
7 requires that all information gathered in the
8 course of receiving reports on instances of, and
9 of making referrals relating to, elder abuse, ne-
10 glect, and exploitation remain confidential ex-
11 cept—

12 “(i) if all parties to the complaint that
13 is the subject of the report or referral con-
14 sent in writing to the release of such infor-
15 mation;

16 “(ii) if the release of such information
17 is to a law enforcement agency, public pro-
18 tective service agency, licensing or certifi-
19 cation agency, ombudsman program, or
20 protection or advocacy system; or

21 “(iii) upon court order;

22 “(F) contain an assurance that the State
23 agency will make all reasonable efforts to resolve
24 any conflicts with other public agencies with re-

1 *spect to the confidentiality of the information de-*
 2 *scribed in subparagraph (E);*

3 *“(G) contain an assurance that the State*
 4 *agency will coordinate the State programs for*
 5 *the prevention of elder abuse, neglect, and exploi-*
 6 *tation with—*

7 *“(i) law enforcement officials;*

8 *“(ii) courts of competent jurisdiction;*

9 *and*

10 *“(iii) entities carrying out other rel-*
 11 *evant State and local programs, includ-*
 12 *ing—*

13 *“(I) area agencies on aging; and*

14 *“(II) agencies that, collectively,*
 15 *administer adult protective services,*
 16 *medicaid fraud and abuse services (in-*
 17 *cluding services provided by a State*
 18 *medicaid fraud control unit, as defined*
 19 *in section 1903(q) of the Social Secu-*
 20 *rity Act (42 U.S.C. 1396b(q)), and vic-*
 21 *tim assistance programs, and State*
 22 *agencies responsible for surveys and*
 23 *certification under section 1919(g) of*
 24 *the Social Security Act (42 U.S.C.*
 25 *1396r(g));*

1 “(H) contain an assurance that older indi-
 2 viduals participate in decisions regarding their
 3 welfare under the programs for the prevention of
 4 elder abuse, neglect, and exploitation; and

5 “(I) specify other activities that the State
 6 agency determines to be beneficial in the preven-
 7 tion of elder abuse, neglect, and exploitation, and
 8 intends to carry out under such programs.

9 “(10) OUTREACH.—The plan shall contain as-
 10 surances that the State agency will require outreach
 11 efforts that will—

12 “(A) identify individuals eligible for assist-
 13 ance under subtitle B or C, or under subtitle B
 14 or C of title III, with special emphasis on—

15 “(i) older individuals residing in rural
 16 areas;

17 “(ii) older individuals with greatest
 18 economic need;

19 “(iii) older individuals with greatest
 20 social need, with particular attention to
 21 low-income minority individuals;

22 “(iv) older individuals with severe dis-
 23 abilities;

24 “(v) older individuals with limited
 25 English-speaking ability;

1 “(vi) older individuals with Alz-
 2 heimer’s disease or related disorders and
 3 with neurological or organic brain dysfunc-
 4 tion (and the caretakers of such individ-
 5 uals); and

6 “(vii) low-income minority older indi-
 7 viduals; and

8 “(B) inform the older individuals referred
 9 to in clauses (i) through (vii) of subparagraph
 10 (A), and the caretakers of such individuals, of
 11 the availability of such assistance.

12 “(11) INDIVIDUALS WITH DISABILITIES.—The
 13 plan shall provide, with respect to the needs of indi-
 14 viduals with disabilities, assurances that the State
 15 agency will coordinate planning, identification, as-
 16 sessment of needs, and services for individuals with
 17 disabilities (with particular attention to individuals
 18 with severe disabilities) with the State agencies with
 19 primary responsibility for individuals with disabil-
 20 ities (including severe disabilities).

21 “(12) COORDINATION OF COMMUNITY-BASED
 22 LONG-TERM CARE SERVICES.—The plan shall provide
 23 assurances that area agencies on aging will conduct
 24 efforts to facilitate the coordination of community-

1 *based long-term care services, pursuant to section*
 2 *302(a)(5)(E), for older individuals who—*

3 *“(A) reside at home and are at risk of insti-*
 4 *tutionalization because of limitations on their*
 5 *ability to function independently;*

6 *“(B) are patients in hospitals and are at*
 7 *risk of prolonged institutionalization; or*

8 *“(C) are patients in long-term care facili-*
 9 *ties, but who are able to return to their homes*
 10 *if community-based services are provided to the*
 11 *individuals.*

12 *“(13) PROHIBITION ON MISUSE OF FUNDS.—The*
 13 *plan shall provide assurances that funds received*
 14 *from allotments made under subsections (a), (b), and*
 15 *(c) of section 121, and assistance made available*
 16 *under sections 123 and 231, will not be used to pay*
 17 *any part of a cost (including an administrative cost)*
 18 *incurred by the State or an area agency on aging to*
 19 *carry out a contract or commercial arrangement that*
 20 *is not carried out to implement subtitle B, C, or D,*
 21 *or subtitle B or C of title III.*

22 *“(14) COORDINATION OF SERVICES; PROVISION*
 23 *OF MULTIGENERATIONAL SERVICES.—The plan shall*
 24 *provide assurances that the State will make demon-*
 25 *strable efforts—*

1 “(A) to coordinate services provided under
 2 subtitles B, C, and D, and subtitles B and C of
 3 title III, with other State services that benefit
 4 older individuals; and

5 “(B) to provide multigenerational activities,
 6 such as opportunities for older individuals to
 7 serve as mentors or advisers in programs that,
 8 collectively, provide child care, youth day care,
 9 educational assistance, at-risk youth interven-
 10 tion, juvenile delinquency treatment, and family
 11 support.

12 “(15) QUALITY ASSURANCE.—The plan shall in-
 13 clude assurances that the State has in effect a mecha-
 14 nism to provide for quality in the provision of serv-
 15 ices under subtitles B, C, and D, and subtitles B and
 16 C of title III.

17 “(16) COST SHARING.—If the State, after con-
 18 sultation with area agencies on aging and service
 19 providers, elects to require cost sharing by recipients
 20 of services under the State plan (or to require or per-
 21 mit area agencies on aging to require cost sharing by
 22 recipients of services under area plans), the plan
 23 shall—

24 “(A) provide that no cost sharing shall be
 25 required for information and assistance services,

1 *outreach, benefits counseling, case management*
 2 *services, or ombudsman or other protective serv-*
 3 *ices;*

4 *“(B) exempt from cost-sharing requirements*
 5 *low-income individuals, or individuals with in-*
 6 *comes that are less than 150 percent of the pov-*
 7 *erty line;*

8 *“(C) set cost-sharing rates for individuals*
 9 *subject to the requirements, on a sliding-fee scale*
 10 *based on income;*

11 *“(D) provide that the income of older indi-*
 12 *viduals will be determined by self-declaration;*

13 *“(E) provide that the confidentiality of in-*
 14 *dividual information related to such cost sharing*
 15 *will be maintained at all times; and*

16 *“(F) provide that no older individual will*
 17 *be denied a service under the plan because of in-*
 18 *ability to pay.*

19 *“(17) SOLICITATION OF VOLUNTARY CONTRIBU-*
 20 *TIONS.—The plan shall provide that the State will*
 21 *permit area agencies on aging to permit service pro-*
 22 *viders to solicit, for services provided under the plan,*
 23 *voluntary contributions—*

1 “(A) in amounts that are based on the abil-
 2 ity of older individuals to make such contribu-
 3 tions; and

4 “(B) that will be used to increase, or ex-
 5 pand access to, services provided under the plan.

6 “(b) *APPROVAL OF STATE PLAN.*—The Assistant Sec-
 7 retary shall approve any State plan that fulfills the require-
 8 ments of subsection (a).

9 “(c) *DISAPPROVAL OF STATE PLAN.*—

10 “(1) *DETERMINATION FOLLOWING DUE PROC-*
 11 *ESS.*—The Assistant Secretary shall not make a final
 12 determination disapproving any State plan, or any
 13 revision of a State plan, or make a final determina-
 14 tion that a State is ineligible under section 201, with-
 15 out first affording the State reasonable notice and a
 16 hearing.

17 “(2) *WITHHOLDING OF ASSISTANCE.*—

18 “(A) *IN GENERAL.*—If the Assistant Sec-
 19 retary makes a determination, in accordance
 20 with paragraph (1), disapproving a State plan
 21 the Assistant Secretary shall withhold from the
 22 State assistance allotted under subsections (a),
 23 (b), and (c) of section 121, and assistance avail-
 24 able under sections 123 and 231, for the fiscal
 25 year for which such plan is submitted.

1 “(B) *DISBURSAL*.—

2 “(i) *ENTITY*.—*The Assistant Secretary*
 3 *shall disburse the assistance withheld under*
 4 *subparagraph (A) directly to a public or*
 5 *nonprofit private agency, organization, or*
 6 *institution, or political subdivision of the*
 7 *State, that submits and obtains approval of*
 8 *a plan described in clause (ii).*

9 “(ii) *PLAN*.—*The plan referred to in*
 10 *clause (i) shall be submitted and approved*
 11 *in accordance with subsections (a) and (b).*

12 “(iii) *AUTHORITIES AND REQUIRE-*
 13 *MENTS*.—*The Secretary shall issue regula-*
 14 *tions specifying authorities and require-*
 15 *ments applicable to States under this Act,*
 16 *including the limitation specified in section*
 17 *121(c)(3), that shall apply with respect to*
 18 *the use of such funds by the agency, organi-*
 19 *zation, institution, or political subdivision*
 20 *that receives such funds.*

21 “(3) *REVIEW BY SECRETARY*.—*Not later than 30*
 22 *days after such final determination, a State dissatis-*
 23 *fied with such final determination may appeal such*
 24 *final determination to the Secretary for review. If the*
 25 *State appeals such final determination in a timely*

1 *manner in accordance with subsection (e)(1), the Sec-*
 2 *retary shall dismiss the appeal filed under this para-*
 3 *graph.*

4 *“(4) APPELLATE REVIEW OF DECISION BY SEC-*
 5 *RETARY.—*

6 *“(A) IN GENERAL.—If the State is dissatis-*
 7 *fied with the decision of the Secretary after re-*
 8 *view under paragraph (3), the State may appeal*
 9 *such decision in a timely manner under sub-*
 10 *section (e)(1).*

11 *“(B) CONSTRUCTION.—For purposes of ap-*
 12 *pellate review in accordance with subparagraph*
 13 *(A), a reference in subsection (e) to the Assistant*
 14 *Secretary shall be deemed to be a reference to the*
 15 *Secretary.*

16 *“(d) NOTIFICATION OF STATE OF INELIGIBILITY OR*
 17 *NONCOMPLIANCE.—*

18 *“(1) IN GENERAL.—*

19 *“(A) FINDING.—The Assistant Secretary*
 20 *shall make the notification described in subpara-*
 21 *graph (B) if the Assistant Secretary, after pro-*
 22 *viding reasonable notice and an opportunity for*
 23 *a hearing to the State agency, finds that—*

24 *“(i) the State is not eligible under sec-*
 25 *tion 201;*

1 “(ii) the State plan has been so revised
 2 that the plan no longer complies substan-
 3 tially with any provision of subsection (a);
 4 or

5 “(iii) in the administration of the plan
 6 there is a failure to comply substantially
 7 with any provision of subsection (a).

8 “(B) NOTIFICATION.—

9 “(i) IN GENERAL.—On making the
 10 finding described in subparagraph (A), the
 11 Assistant Secretary shall notify the State
 12 agency that no further assistance will be
 13 provided to the State from the allotment of
 14 the State under subsection (a), (b), or (c) of
 15 section 121, or under section 123 or 231, as
 16 appropriate (or, in the discretion of the As-
 17 sistant Secretary, that further assistance to
 18 the State under such subsection or section
 19 will be limited to projects under the State
 20 plan that are not affected by the noncompli-
 21 ance that is the basis for the finding), until
 22 the Assistant Secretary is satisfied that
 23 there will no longer be any ineligibility or
 24 failure to comply.

1 “(ii) *WITHHOLDING OF ASSISTANCE.*—

2 *Until the Assistant Secretary is so satisfied,*
 3 *no further assistance shall be provided to*
 4 *the State from the allotment of the State*
 5 *under subsection (a), (b), or (c) of section*
 6 *121, or under section 123 or 231, as appro-*
 7 *priate (or, in the discretion of the Assistant*
 8 *Secretary, further assistance to the State*
 9 *under such subsection or section shall be*
 10 *limited to projects described in clause (i)*
 11 *and the remainder of the assistance avail-*
 12 *able for allotment to the State under such*
 13 *subsection or available to the State under*
 14 *such section shall be withheld).*

15 “(2) *USE OF WITHHELD ASSISTANCE.*—

16 “(A) *ELIGIBLE ORGANIZATIONS.*—*The As-*
 17 *stant Secretary shall, in accordance with rules*
 18 *the Secretary shall issue, disburse the assistance*
 19 *withheld under paragraph (1)(B)(ii) directly to*
 20 *a public or nonprofit private agency, organiza-*
 21 *tion, or institution, or political subdivision of*
 22 *the State, that submits and obtains approval of*
 23 *a plan in accordance with the provisions of sub-*
 24 *sections (a) and (b).*

1 “(B) *AUTHORITIES AND REQUIREMENTS.*—

2 *The Secretary shall issue regulations specifying*
 3 *authorities and requirements applicable to States*
 4 *under this Act, including the limitation specified*
 5 *in section 121(c)(3), that shall apply with re-*
 6 *spect to the use of such funds by the agency, or-*
 7 *ganization, institution, or political subdivision*
 8 *that receives such funds.*

9 “(e) *APPEAL.*—

10 “(1) *IN GENERAL.*—*A State that is dissatisfied*
 11 *with a final action of the Assistant Secretary under*
 12 *subsection (c) or (d) may appeal to the United States*
 13 *court of appeals for the circuit in which the State is*
 14 *located, by filing a petition with such court within 30*
 15 *days after such final action. A copy of the petition*
 16 *shall be transmitted by the clerk of the court to the*
 17 *Assistant Secretary, or any officer designated by the*
 18 *Assistant Secretary for such purpose. The Assistant*
 19 *Secretary shall file in the court the record of the pro-*
 20 *ceedings on which the action of the Assistant Sec-*
 21 *retary is based, as provided in section 2112 of title*
 22 *28, United States Code.*

23 “(2) *PROCEDURE.*—

24 “(A) *JURISDICTION.*—

1 “(i) *IN GENERAL.*—*Except as provided*
2 *in clause (ii), on the filing of such petition,*
3 *the court shall have jurisdiction to affirm*
4 *the order issued by the Assistant Secretary*
5 *with respect to the action or to set the order*
6 *aside, in whole or in part, temporarily or*
7 *permanently.*

8 “(ii) *ACTION OF ASSISTANT SEC-*
9 *RETARY.*—*Until the filing of the record, the*
10 *Assistant Secretary may modify or set aside*
11 *the order of the Assistant Secretary.*

12 “(B) *EVIDENCE.*—*The findings of the As-*
13 *stant Secretary as to the facts, if supported by*
14 *substantial evidence, shall be conclusive, but the*
15 *court for good cause shown may remand the case*
16 *to the Assistant Secretary to take further evi-*
17 *dence, and the Assistant Secretary shall, within*
18 *30 days, file in the court the record of the pro-*
19 *ceedings to obtain such further evidence. The new*
20 *or modified findings of fact resulting from the*
21 *proceedings shall likewise be conclusive if sup-*
22 *ported by substantial evidence.*

23 “(C) *REVIEW.*—*The judgment of the court*
24 *affirming or setting aside, in whole or in part,*
25 *any action of the Assistant Secretary shall be*

1 *final, subject to review by the Supreme Court on*
 2 *certiorari or certification as provided in section*
 3 *1254 of title 28, United States Code.*

4 “(3) *NO STAY.*—*The commencement of proceed-*
 5 *ings under this subsection shall not operate as a stay*
 6 *of the action of the Assistant Secretary, unless such*
 7 *a stay is specifically ordered by the court.*

8 “(f) *PRESERVATION OF ATTORNEY-CLIENT PRIVI-*
 9 *LEGE.*—*Neither a State, nor a State agency, may require*
 10 *any provider of legal assistance under subtitle B of title*
 11 *III to reveal any information that is protected by the attor-*
 12 *ney-client privilege.*

13 **“SEC. 203. PLANNING, COORDINATION, EVALUATION, AND**
 14 **ADMINISTRATION OF STATE PLANS.**

15 “(a) *GRANTS FOR STATE ACTIVITIES.*—

16 “(1) *COST OF ADMINISTRATION OF STATE*
 17 *PLAN.*—*Amounts available to a State under para-*
 18 *graph (1) or (2) of section 121(d) may be used to*
 19 *make a grant to the State to pay such percentage as*
 20 *the State agency determines, but not more than 85*
 21 *percent, of the cost of the administration of the State*
 22 *plan of the State, including—*

23 “(A) *the preparation of the State plan;*

24 “(B) *the evaluation of activities carried out*
 25 *under such plan;*

1 “(C) the collection of data and the carrying
 2 out of analyses related to the need for supportive
 3 services (including services to support multipur-
 4 pose senior centers), and nutrition services (tak-
 5 ing into consideration the comparative need for
 6 home-delivered nutrition services, congregate nu-
 7 trition services, and adult day care nutrition
 8 services), within the State, and dissemination of
 9 information obtained through the data collection
 10 and analyses;

11 “(D) the provision of short-term training to
 12 personnel of public or nonprofit private agencies,
 13 organizations, and institutions engaged in the
 14 operation of programs, projects, and activities
 15 authorized by subtitles B and D, and subtitles B
 16 and C of title III; and

17 “(E) the carrying out of demonstration
 18 projects of statewide significance relating to the
 19 initiation, expansion, or improvement of services
 20 and activities provided under subtitles B and D,
 21 and subtitles B and C of title III.

22 “(2) COST OF ADMINISTRATION OF AREA
 23 PLANS.—The portion of the assistance made available
 24 under section 121(d)(1) to a State for any fiscal year,
 25 that the State determines will not be required by the

1 *State for such year for the purposes described in*
 2 *paragraph (1), may be used by the State to supple-*
 3 *ment the amount available under section 121(d)(3) to*
 4 *cover part of the cost of the administration of area*
 5 *plans.*

6 “(3) *USE OF FUNDS NOT NEEDED FOR ADMINIS-*
 7 *TRATION OF STATE PLAN.—The portion of the assist-*
 8 *ance made available under section 121(d)(1) to a*
 9 *State for any fiscal year, that the State determines*
 10 *will not be required by the State for such year for the*
 11 *purposes described in paragraph (1), may be used by*
 12 *the State to provide services under subtitle B or D,*
 13 *or subtitle B or C of title III, in the State.*

14 “(4) *SINGLE PLANNING AND SERVICE AREAS.—*
 15 *Any State that is designated, under section*
 16 *201(a)(1)(E) or 201(c), as a single planning and*
 17 *service area covering all, or substantially all, of the*
 18 *older individuals in the State, as determined by the*
 19 *Assistant Secretary, may elect to pay part of the costs*
 20 *of the administration of State and area plans either*
 21 *out of the amount of funds available under paragraph*
 22 *(1) or (2) of section 121(d) or out of the amount of*
 23 *funds made available for the administration of area*
 24 *plans under section 121(d)(3), but shall not pay such*
 25 *costs from both such amounts.*

1 “(b) *AUTHORITY TO TRANSFER FUNDS.*—

2 “(1) *TRANSFERS.*—

3 “(A) *IN GENERAL.*—*Notwithstanding any*
4 *other provision of this subtitle or title III and*
5 *except as provided in subparagraph (B), using*
6 *the sums received by a State attributable to*
7 *funds appropriated under subsection (d) or (e) of*
8 *section 122, as appropriate, the State (after con-*
9 *sultation with area agencies on aging and with*
10 *service providers) may elect to transfer not more*
11 *than 25 percent of such sums for any fiscal year*
12 *between programs under subtitle B of title III*
13 *and programs under subtitle C of title III, for*
14 *use as the State considers appropriate. The State*
15 *shall notify the Assistant Secretary of any such*
16 *election.*

17 “(B) *WAIVER.*—*If a State submits an ap-*
18 *plication to the Assistant Secretary in which the*
19 *State demonstrates, to the satisfaction of the As-*
20 *stant Secretary, that funds received by the*
21 *State and attributable to funds appropriated*
22 *under subsection (d) or (e) of section 122 (in-*
23 *cluding funds transferred under subparagraph*
24 *(A) without regard to this subparagraph) for*
25 *any fiscal year are insufficient to satisfy the*

1 *need for services under subtitle B or C of title*
2 *III, as appropriate, the Assistant Secretary may*
3 *grant a waiver that permits the State to trans-*
4 *fer, under subparagraph (A) to satisfy such need,*
5 *an additional 25 percent of the funds so received*
6 *for such fiscal year.*

7 “(C) *APPLICATION.—At a minimum, the*
8 *application described in subparagraph (B) shall*
9 *include a description of the additional amount*
10 *to be transferred, the purposes of the transfer, the*
11 *need for the transfer, and the impact of the*
12 *transfer on the provision of services from which*
13 *the funding will be transferred. The Assistant*
14 *Secretary shall approve or deny the application*
15 *in writing.*

16 “(2) *DELEGATION OF AUTHORITY TO MAKE*
17 *TRANSFERS.—After consultation with service provid-*
18 *ers, a State agency may delegate to an area agency*
19 *on aging or any other entity the authority to make*
20 *a transfer under paragraph (1).*

21 “(3) *DATA COLLECTION.—The Assistant Sec-*
22 *retary shall annually collect, and include in the re-*
23 *port required by section 113, data regarding the*
24 *transfers described in paragraph (1), including—*

1 “(A) the amount of funds involved in the
2 transfers, analyzed by State; and

3 “(B) the effect of the transfers on the provi-
4 sion of services provided under—

5 “(i) subtitle B of title III; and

6 “(ii) subtitle C of title III, including
7 the effect on the number of meals served.

8 **“SEC. 204. PAYMENTS.**

9 “Payments provided through grants made, or contracts
10 entered into, under subtitle B, C, or D, or subtitle B or
11 C of title III, may be provided (after necessary adjustments
12 resulting from previously made overpayments or underpay-
13 ments) in advance or by way of reimbursement, and in such
14 installments, as the Assistant Secretary may determine to
15 be appropriate.

16 **“Subtitle B—State Long-Term Care**
17 **Ombudsman Program**

18 **“SEC. 211. ESTABLISHMENT.**

19 “(a) *IN GENERAL.*—With funds allotted under section
20 121(a), the Assistant Secretary shall make grants to eligible
21 States to carry out long-term care ombudsman programs.

22 “(b) *OFFICE AND PROGRAM.*—In order to be eligible
23 to receive a grant under subsection (a), a State shall—

1 “(1) *establish and operate an Office of the State*
 2 *Long-Term Care Ombudsman (referred to in this sub-*
 3 *title as the ‘Office’); and*

4 “(2) *carry out through the Office a State long-*
 5 *term care ombudsman program.*

6 “(c) *OMBUDSMAN.—The Office shall be headed by an*
 7 *individual, to be known as the State Long-Term Care Om-*
 8 *budsman (referred to in this subtitle as the ‘Ombudsman’),*
 9 *who shall be selected from among individuals with expertise*
 10 *and experience in the fields of long-term care and advocacy.*

11 **“SEC. 212. REQUIREMENTS FOR STATE LONG-TERM CARE**
 12 **OMBUDSMAN PROGRAM.**

13 “(a) *DUTIES.—The Ombudsman shall serve on a full-*
 14 *time basis, and shall, personally or through representatives*
 15 *of the Office—*

16 “(1) *identify, investigate, and resolve complaints*
 17 *that—*

18 “(A) *are made by, or on behalf of, older in-*
 19 *dividuals who are residents of long-term care fa-*
 20 *cilities (referred to individually in this section*
 21 *as a ‘resident’); and*

22 “(B) *relate to action, inaction, or decisions,*
 23 *that may adversely affect the health, safety, wel-*
 24 *fare, or rights of such residents (including the*
 25 *welfare and rights of such residents with respect*

1 *to the appointment and activities of guardians*
2 *and representative payees), by providers (or rep-*
3 *resentatives of providers) of long-term care serv-*
4 *ices, public agencies, or health and social service*
5 *agencies;*

6 “(2) *provide services to protect the health, safety,*
7 *welfare, and rights of such residents;*

8 “(3) *inform such residents about the means of*
9 *obtaining—*

10 “(A) *services provided by providers or agen-*
11 *cies described in paragraph (1)(B); or*

12 “(B) *identification, investigation, and reso-*
13 *lution services described in paragraph (1);*

14 “(4) *ensure that such residents have regular and*
15 *timely access to the services provided through the*
16 *State long-term care ombudsman program and that*
17 *residents and complainants on behalf of residents (re-*
18 *ferred to individually in this section as a ‘complain-*
19 *ant’) receive timely responses to their complaints*
20 *from representatives of the State long-term care om-*
21 *budsman program (referred to individually in this*
22 *section as a ‘program representative’);*

23 “(5) *represent the interests of such residents be-*
24 *fore governmental agencies and seek administrative,*

1 *legal, and other remedies to protect the health, safety,*
2 *welfare, and rights of such residents;*

3 “(6) *provide administrative and technical assist-*
4 *ance to entities designated under subsection (c) to as-*
5 *sist the entities in participating in the program;*

6 “(7)(A) *analyze, comment on, and monitor the*
7 *development and implementation of Federal, State,*
8 *and local laws, rules, and other government policies*
9 *and actions, that pertain to the health, safety, wel-*
10 *fare, and rights of the residents, with respect to the*
11 *adequacy of long-term care facilities and services in*
12 *the State; and*

13 “(B) *recommend such changes in such laws,*
14 *rules, policies, and actions as the Ombudsman deter-*
15 *mines to be appropriate;*

16 “(8) *provide for training for program represent-*
17 *atives of the Office;*

18 “(9) *collect information, as specified by the As-*
19 *stant Secretary, on the total number of such resi-*
20 *dents in the State and the number of complaints de-*
21 *scribed in paragraph (1) received by the State, ana-*
22 *lyzed by type of facility (such as a nursing home or*
23 *board and care facility); and*

24 “(10) *carry out such other activities as the State*
25 *agency determines to be appropriate.*

1 “(b) *CONTRACTS AND ARRANGEMENTS.*—

2 “(1) *IN GENERAL.*—*Except as provided in para-*
 3 *graph (2), the State agency may establish and operate*
 4 *the Office, and carry out the program, directly or by*
 5 *contract or other arrangement with any public or*
 6 *nonprofit private organization, agency, or institution.*

7 “(2) *INELIGIBLE ENTITIES.*—*The State agency*
 8 *may not enter into a contract or other arrangement*
 9 *described in paragraph (1) with—*

10 “(A) *an agency or organization that is re-*
 11 *sponsible for licensing or certifying long-term*
 12 *care services in the State; or*

13 “(B) *an association (or an affiliate of such*
 14 *an association) of long-term care facilities, or of*
 15 *any other residential facilities for older individ-*
 16 *uals.*

17 “(c) *DESIGNATION OF LOCAL OMBUDSMAN ENTITIES*
 18 *AND REPRESENTATIVES.*—

19 “(1) *DESIGNATION.*—*In carrying out the duties*
 20 *specified in subsection (a), the Ombudsman may des-*
 21 *ignate an entity as a local Ombudsman entity, and*
 22 *may designate an individual (including an employee*
 23 *or volunteer) to represent the entity.*

24 “(2) *ELIGIBILITY FOR DESIGNATION.*—*Entities*
 25 *eligible to be designated as local Ombudsman entities,*

1 *and individuals eligible to be designated as represent-*
 2 *atives of such entities, shall—*

3 “(A) *have demonstrated capability to carry*
 4 *out the responsibilities of the Office;*

5 “(B) *be free of conflicts of interest;*

6 “(C) *in the case of the entities, be public or*
 7 *nonprofit private entities; and*

8 “(D) *meet such additional requirements as*
 9 *the Ombudsman may specify.*

10 “(3) *AUTHORITIES OF LOCAL OMBUDSMAN.—An*
 11 *individual so designated may, in accordance with the*
 12 *policies and procedures established by the Office and*
 13 *the State agency—*

14 “(A) *provide services to protect the health,*
 15 *safety, welfare, and rights of residents;*

16 “(B) *ensure that residents in the planning*
 17 *and service area of the entity have regular, time-*
 18 *ly access to representatives of the State long-term*
 19 *care ombudsman program and timely responses*
 20 *to complaints and requests for assistance;*

21 “(C) *identify, investigate, and resolve com-*
 22 *plaints made by or on behalf of such residents*
 23 *that relate to action, inaction, or decisions, that*
 24 *may adversely affect the health, safety, welfare,*
 25 *or rights of such residents;*

1 “(D) represent the interests of such residents
 2 before government agencies and seek administra-
 3 tive, legal, and other remedies to protect the
 4 health, safety, welfare, and rights of such resi-
 5 dents;

6 “(E)(i) analyze, comment on, and monitor
 7 the development and implementation of Federal,
 8 State, and local laws, rules, and other govern-
 9 ment policies and actions, that pertain to the
 10 health, safety, welfare, and rights of the resi-
 11 dents, with respect to the adequacy of long-term
 12 care facilities and services in the State; and

13 (ii) recommend such changes in such laws,
 14 rules, policies, and actions as the individual de-
 15 termines to be appropriate;

16 “(F) facilitate the ability of the public to
 17 comment on such laws, rules, policies, and ac-
 18 tions;

19 “(G) support the development of resident
 20 and family councils; and

21 “(H) carry out such other activities as the
 22 Ombudsman determines to be appropriate.

23 “(4) MONITORING POLICIES AND PROCEDURES.—

24 “(A) IN GENERAL.—The State agency shall
 25 establish, in accordance with the Office, policies

1 *and procedures for monitoring local Ombudsman*
 2 *entities designated to carry out the duties speci-*
 3 *fied in subsection (a) and their representatives.*

4 “(B) *CONSULTATION AND COMMENT.*—*If the*
 5 *entities are grant recipients, or the representa-*
 6 *tives are employees, of area agencies on aging,*
 7 *the State agency shall develop the policies and*
 8 *procedures after consultation with the area agen-*
 9 *cies on aging. The policies and procedures shall*
 10 *provide for participation and comment by such*
 11 *agencies and for resolution of concerns with re-*
 12 *spect to case activity.*

13 “(C) *CONFIDENTIALITY AND CONFLICT OF*
 14 *INTEREST.*—*The State agency shall develop the*
 15 *policies and procedures, in accordance with all*
 16 *provisions of subtitle A, this subtitle, and title*
 17 *III, regarding confidentiality and conflict of in-*
 18 *terest.*

19 “(d) *PROCEDURES FOR ACCESS.*—*The State shall en-*
 20 *sure, and shall establish procedures that ensure, that a pro-*
 21 *gram representative of the Office shall have—*

22 “(1) *access to long-term care facilities and resi-*
 23 *dents;*

24 “(2)(A) *appropriate access to review the medical*
 25 *and social records of a resident, if the representative*

1 *has the permission of the resident (or the legal rep-*
 2 *resentative of the resident), or the resident is unable*
 3 *to consent to the review and has no legal representa-*
 4 *tive; or*

5 *“(B) such access to such records as is necessary*
 6 *to investigate a complaint, as determined by the*
 7 *State, if—*

8 *“(i) a legal guardian of the resident refuses*
 9 *to give the permission;*

10 *“(ii) a program representative of the Office*
 11 *has reasonable cause to believe that the guardian*
 12 *is not acting in the best interests of the resident;*
 13 *and*

14 *“(iii) the program representative obtains*
 15 *the approval of the Ombudsman;*

16 *“(3) access to the administrative records, poli-*
 17 *cies, and documents, to which the residents have or*
 18 *the general public has access, of long-term care facili-*
 19 *ties; and*

20 *“(4) access to and, on request, copies of all li-*
 21 *censing and certification records maintained by the*
 22 *State with respect to long-term care facilities.*

23 *“(e) DATA COLLECTION AND REPORTING.—The State*
 24 *agency shall—*

1 “(1) collect and analyze data relating to com-
 2 plaints regarding, and conditions in, long-term care
 3 facilities, and to residents, for the purpose of identify-
 4 ing and resolving significant problems;

5 “(2) document the program operations and out-
 6 reach activities of the State long-term care ombuds-
 7 man program; and

8 “(3) submit to the Assistant Secretary and other
 9 State agencies, and make available to the public, an-
 10 nual reports containing the data and documentation
 11 specified in paragraphs (1) and (2).

12 “(f) DISCLOSURE.—

13 “(1) ESTABLISHMENT OF PROCEDURES.—The
 14 State agency shall establish procedures for the disclo-
 15 sure by the Ombudsman or local Ombudsman entities
 16 of files maintained by the State long-term care om-
 17 budsman program, including records, policies, docu-
 18 ments, and data described in subsections (d) and (e).

19 “(2) DISCLOSURE ONLY AT DISCRETION OF OM-
 20 BUDSMAN.—The procedures described in paragraph
 21 (1) shall provide that, subject to paragraph (3), the
 22 files described in paragraph (1) may be disclosed only
 23 at the discretion of the Ombudsman.

24 “(3) NONDISCLOSURE OF IDENTITY.—The proce-
 25 dures described in paragraph (1) shall prohibit the

1 *disclosure of the identity of any complainant, or resi-*
 2 *dent of a long-term care facility, with respect to*
 3 *whom the Office maintains such files, unless—*

4 “(A) *the complainant or resident, or the*
 5 *legal representative of the complainant or resi-*
 6 *dent, consents to the disclosure and the consent*
 7 *is given in writing;*

8 “(B) *the complainant or resident gives con-*
 9 *sent orally and the consent is documented con-*
 10 *temporaneously in writing made by a program*
 11 *representative of the Office in accordance with*
 12 *such requirements as the State agency shall es-*
 13 *tablish; or*

14 “(C) *the disclosure is required by court*
 15 *order.*

16 “(g) *CONSULTATION.—In planning and operating the*
 17 *State long-term care ombudsman program, the State agency*
 18 *shall consider the views of area agencies on aging, older*
 19 *individuals, and providers of long-term care.*

20 “(h) *CONFLICT OF INTEREST.—The State agency*
 21 *shall—*

22 “(1) *ensure that no individual, or member of the*
 23 *immediate family of an individual, involved in the*
 24 *designation of the Ombudsman (whether by appoint-*
 25 *ment or otherwise) or the designation of an entity*

1 *designated under subsection (c), is subject to a conflict*
2 *of interest;*

3 “(2) ensure that no officer or employee of the Of-
4 *fice, representative of a local Ombudsman entity, or*
5 *member of the immediate family of the officer, em-*
6 *ployee, or representative, is subject to a conflict of in-*
7 *terest;*

8 “(3) ensure that the Ombudsman—

9 “(A) does not have a direct involvement in
10 *the licensing or certification of a long-term care*
11 *facility or of a provider of a long-term care serv-*
12 *ice;*

13 “(B) does not have an ownership or invest-
14 *ment interest (represented by equity, debt, or*
15 *other financial relationship) in a long-term care*
16 *facility or a long-term care service;*

17 “(C) is not employed by, or participating
18 *in the management of, a long-term care facility;*
19 *and*

20 “(D) does not receive, or have the right to
21 *receive, directly or indirectly, remuneration (in*
22 *cash or in kind) under a compensation arrange-*
23 *ment with an owner or operator of a long-term*
24 *care facility; and*

1 “(4) establish, and specify in writing, mecha-
2 nisms to identify and remove conflicts of interest re-
3 ferred to in paragraphs (1) and (2), and to identify
4 and eliminate the relationships described in subpara-
5 graphs (A) through (D) of paragraph (3), including
6 such mechanisms as—

7 “(A) the methods by which the State agency
8 will examine individuals, and immediate family
9 members, to identify the conflicts; and

10 “(B) the actions that the State agency will
11 require the individuals and such family members
12 to take to remove such conflicts.

13 “(i) *LEGAL COUNSEL.*—The State agency shall ensure
14 that—

15 “(1)(A) adequate legal counsel is available and
16 able to provide advice and consultation needed to pro-
17 tect the health, safety, welfare, and rights of residents,
18 and to assist the Ombudsman and the program rep-
19 resentatives of the Office in the performance of the of-
20 ficial duties of the Ombudsman and representatives;
21 and

22 “(B) legal representation is provided to any pro-
23 gram representative of the Office against whom suit
24 or other legal action is brought or threatened to be
25 brought in connection with the performance of the of-

1 *official duties of the Ombudsman or such a representa-*
2 *tive; and*

3 *“(2) the Office pursues administrative, legal, and*
4 *other appropriate remedies on behalf of residents.*

5 *“(j) LIABILITY.—The State shall ensure that no pro-*
6 *gram representative of the Office shall be liable under State*
7 *law for the good faith performance of official duties de-*
8 *scribed in this Act.*

9 *“(k) NONINTERFERENCE.—The State shall—*

10 *“(1) ensure that willful interference with the rep-*
11 *resentatives of the Office in the performance of official*
12 *duties under the State long-term care ombudsman*
13 *program shall be unlawful;*

14 *“(2) prohibit retaliation and reprisals by a long-*
15 *term care facility or other entity with respect to any*
16 *resident, employee, or other person for filing a com-*
17 *plaint with, providing information to, or otherwise*
18 *cooperating with any representative of, the Office;*
19 *and*

20 *“(3) provide for appropriate sanctions with re-*
21 *spect to the interference, retaliation, and reprisals.*

1 **“Subtitle C—Senior Community**
 2 **Service Employment Program**

3 **“SEC. 221. SHORT TITLE.**

4 *“This subtitle may be cited as the ‘Older American*
 5 *Community Service Employment Act’.*

6 **“SEC. 222. DEFINITIONS.**

7 *“As used in this subtitle:*

8 *“(1) ADMINISTRATIVE COSTS.—The term ‘admin-*
 9 *istrative costs’, used with respect to a project,*
 10 *means—*

11 *“(A) the costs of—*

12 *“(i) salaries, wages, and fringe benefits*
 13 *for project administrators;*

14 *“(ii) consumable office supplies used by*
 15 *project staff;*

16 *“(iii) development, preparation, pres-*
 17 *entation, management, and evaluation of*
 18 *the project;*

19 *“(iv) establishment and maintenance*
 20 *of accounting and management information*
 21 *systems;*

22 *“(v) establishment and maintenance of*
 23 *advisory councils;*

24 *“(vi) travel of the project administra-*
 25 *tors;*

1 “(vii) rent, utilities, custodial services,
2 and indirect costs attributable to the
3 project;

4 “(viii) training of staff and technical
5 assistance to subproject sponsor staff;

6 “(ix) equipment and material for use
7 by project staff; or

8 “(x) audit services; and

9 “(B) the costs and expenses described in
10 paragraph (3)(B).

11 “(2) *COMMUNITY SERVICE EMPLOYMENT.*—The
12 term ‘community service employment’ means employ-
13 ment described in section 223(a)(1).

14 “(3) *OTHER PARTICIPANT COSTS.*—

15 “(A) *IN GENERAL.*—The term ‘other partici-
16 pant costs’ includes—

17 “(i) the costs for participants of—

18 “(I) transportation;

19 “(II) training, including training
20 described in section 223(d)(9); and

21 “(III) special job or personal
22 counseling; and

23 “(ii) incidental expenses necessary for
24 the participation of the participants, such

1 *as workshoes, safety eyeglasses, uniforms,*
 2 *tools, and similar items.*

3 “(B) *EXCLUSION.*—*The term shall not in-*
 4 *clude—*

5 “(i) *the costs of performing assess-*
 6 *ments, including the assessment described in*
 7 *section 223(d)(11);*

8 “(ii) *administrative expenses relating*
 9 *to the training of participants;*

10 “(iii) *the costs of providing counseling*
 11 *to participants;*

12 “(iv) *the costs of providing supportive*
 13 *services to participants;*

14 “(v) *transportation costs incurred in*
 15 *training;*

16 “(vi) *the costs of evaluating partici-*
 17 *pants for continued participation in em-*
 18 *ployment in a project described in this sub-*
 19 *title; or*

20 “(vii) *the costs of developing host agen-*
 21 *cy assignments and unsubsidized employ-*
 22 *ment for participants.*

23 “(4) *PLACED IN UNSUBSIDIZED EMPLOYMENT.*—

24 “(A) *IN GENERAL.*—*The term ‘placed in*
 25 *unsubsidized employment’ means, with respect to*

1 *an individual who was a participant in a*
2 *project described in this subtitle, that—*

3 “(i)(I) *the individual was placed in a*
4 *position with an employer not later than 90*
5 *days after the individual terminated par-*
6 *ticipation in the project, and the position*
7 *was not subsidized with Federal funds; and*

8 “(II) *the placement was attributable to*
9 *participation in the project;*

10 “(ii) *the employer intended, on the*
11 *date of the placement, to employ the indi-*
12 *vidual in the position for not less than 90*
13 *days;*

14 “(iii) *the individual was still employed*
15 *in the position 30 days after the placement;*
16 *and*

17 “(iv) *the individual was better off eco-*
18 *nomically when employed in the position*
19 *than the individual was when participating*
20 *in the project.*

21 “(B) *BETTER OFF ECONOMICALLY.—As used*
22 *in this paragraph, the term ‘better off economi-*
23 *cally’, used with respect to an individual, means*
24 *an individual who was a participant in a*

1 *project described in this subtitle and was placed*
2 *in a position of employment if—*

3 “(i) *the individual received greater in-*
4 *come for employment in the position than*
5 *for participation in the project;*

6 “(ii) *the individual received greater*
7 *benefits (as defined by the State in which*
8 *the project is located) for employment in the*
9 *position than for participation in the*
10 *project; or*

11 “(iii) *the position met 2 or more of the*
12 *following criteria:*

13 “(I) *The position provided to the*
14 *individual 20 or more hours of employ-*
15 *ment per week and a wage that is not*
16 *less than the minimum wage deter-*
17 *mined in accordance with section*
18 *6(a)(1) of the Fair Labor Standards*
19 *Act of 1938 (29 U.S.C. 206(a)(1)).*

20 “(II) *The position was consistent*
21 *with the individual development plan*
22 *for the individual.*

23 “(III) *The position provided free*
24 *housing to the individual.*

1 “(IV) *The position provided free*
2 *food or meals to the individual.*

3 “(V) *The position provided health*
4 *benefits to the individual.*

5 “(VI) *The position provided free*
6 *transportation, or transportation at a*
7 *reduced cost, to the individual.*

8 “(VII) *The position provided to*
9 *the individual such economic benefits,*
10 *other than the benefits described in*
11 *subclauses (I) through (VI), as the*
12 *State in which the project was located*
13 *determined to be appropriate.*

14 “(5) *SMALL STATE.—The term ‘small State’*
15 *means—*

16 “(A) *a State whose allotment under section*
17 *121 is increased as a result of the condition spec-*
18 *ified in section 121(b)(2)(C)(ii)(I); and*

19 “(B) *a State referred to in section*
20 *121(b)(2)(C)(ii)(II).*

21 **“SEC. 223. SENIOR COMMUNITY SERVICE EMPLOYMENT**
22 **PROGRAM.**

23 “(a) *AUTHORITY FOR PROGRAM.—*

24 “(1) *GRANTS.—With funds allotted under section*
25 *121(b), the Assistant Secretary shall make grants to*

1 *eligible States and tribal organizations for the pur-*
 2 *pose of providing, to unemployed low-income older in-*
 3 *dividuals who have poor employment prospects (as*
 4 *determined in accordance with standards issued by*
 5 *the States and organizations), part-time employment*
 6 *opportunities providing community services (includ-*
 7 *ing providing services for a business, to the extent*
 8 *permitted by subsection (b)(3).*

9 “(2) *USE OF FUNDS.*—

10 “(A) *WAGES AND BENEFITS.*—

11 “(i) *IN GENERAL.*—*Except as provided*
 12 *in clause (ii) or subparagraph (C) or (D),*
 13 *not less than 90 percent of the funds made*
 14 *available through a grant made under para-*
 15 *graph (1) shall be used to pay wages and*
 16 *benefits for older individuals who are em-*
 17 *ployed under projects carried out under this*
 18 *subtitle.*

19 “(ii) *SMALL STATES.*—*Except as pro-*
 20 *vided in subparagraph (C) or (D), not less*
 21 *than 85 percent of the funds made available*
 22 *through a grant made under paragraph (1)*
 23 *to a small State shall be used to pay wages*
 24 *and benefits for older individuals who are*

1 *employed under projects carried out under*
 2 *this subtitle.*

3 “(B) *ADMINISTRATIVE COSTS.*—

4 “(i) *IN GENERAL.*—*Except as provided*
 5 *in clause (ii), not more than 10 percent of*
 6 *the funds made available through a grant*
 7 *made under paragraph (1) may be used to*
 8 *pay for administrative costs.*

9 “(ii) *SMALL STATES.*—*Not more than*
 10 *15 percent of the funds made available*
 11 *through a grant made under paragraph (1)*
 12 *to a small State may be used to pay for ad-*
 13 *ministrative costs.*

14 “(C) *OTHER PARTICIPANT COSTS; PROJECTS*
 15 *CARRIED OUT DIRECTLY.*—

16 “(i) *IN GENERAL.*—*A State or tribal*
 17 *organization that receives a grant under*
 18 *paragraph (1) for a project and that elects*
 19 *to carry out the project directly, or through*
 20 *an agreement under subsection (b) with a*
 21 *political subdivision, may request that the*
 22 *Assistant Secretary provide for a fiscal*
 23 *year—*

24 “(I) *a general waiver of subpara-*
 25 *graph (A); or*

1 “(II) *the general waiver and an*
 2 *additional waiver of subparagraph*
 3 *(A).*

4 “(ii) *REQUEST.—*

5 “(I) *IN GENERAL.—The State or*
 6 *tribal organization shall submit such a*
 7 *request at such time, in such form, and*
 8 *containing such information as the As-*
 9 *stant Secretary may require by rule.*

10 “(II) *INFORMATION FOR ADDI-*
 11 *TIONAL WAIVER.—Except as provided*
 12 *in subclause (III), a State or tribal or-*
 13 *ganization that requests such an addi-*
 14 *tional waiver for a fiscal year shall*
 15 *submit with the request information*
 16 *demonstrating that at least 30 percent*
 17 *of the participants in the projects car-*
 18 *ried out through a grant made under*
 19 *paragraph (1) for the previous year to*
 20 *the State or organization were placed*
 21 *in unsubsidized employment.*

22 “(III) *WAIVER.—The Assistant*
 23 *Secretary may elect to waive the re-*
 24 *quirement described in subclause (II)*
 25 *for tribal organizations serving Native*

1 *American populations in which the*
2 *unemployment rate (as determined by*
3 *the Secretary of Labor for the most re-*
4 *cent 12-month period for which data*
5 *are available, prior to the fiscal year*
6 *for which the determination is made)*
7 *exceeds 50 percent.*

8 “(iii) *APPROVAL.—If the Assistant*
9 *Secretary determines that the State or trib-*
10 *al organization has submitted a request that*
11 *meets the requirements of clause (ii), the As-*
12 *stant Secretary shall approve the request.*

13 “(iv) *GENERAL WAIVER.—A general*
14 *waiver referred to in this subparagraph*
15 *shall permit a State or tribal organization*
16 *to use—*

17 “(I) *not less than 80 percent of*
18 *the funds made available through the*
19 *grant for the fiscal year for which the*
20 *waiver is requested to pay wages and*
21 *benefits described in subparagraph*
22 *(A)(i);*

23 “(II) *not more than 10 percent*
24 *(or not more than 15 percent in the*

1 *case of a small State) of such funds to*
 2 *pay for administrative costs; and*

3 *“(III) the remaining portion of*
 4 *such funds to pay for other participant*
 5 *costs.*

6 *“(v) ADDITIONAL WAIVER.—A State or*
 7 *tribal organization that receives a general*
 8 *waiver and an additional waiver referred to*
 9 *in this subparagraph may use—*

10 *“(I) not less than 75 percent of*
 11 *the funds made available through the*
 12 *grant for the fiscal year for which the*
 13 *waiver is requested to pay wages and*
 14 *benefits described in subparagraph*
 15 *(A)(i);*

16 *“(II) not more than 10 percent*
 17 *(or not more than 15 percent in the*
 18 *case of a small State) of such funds to*
 19 *pay for administrative costs; and*

20 *“(III) the remaining portion of*
 21 *such funds to pay for other participant*
 22 *costs.*

23 *“(D) OTHER PARTICIPANT COSTS; PROJECTS*
 24 *CARRIED OUT UNDER AGREEMENTS.—*

1 “(i) *IN GENERAL.*—*An entity, other*
 2 *than a State or tribal organization that re-*
 3 *ceives a grant under subsection (a), or a po-*
 4 *litical subdivision, that carries out a project*
 5 *under a grant made under paragraph (1)*
 6 *may request that the State or tribal organi-*
 7 *zation that received the grant provide for a*
 8 *fiscal year—*

9 “(I) *a general waiver of subpara-*
 10 *graph (A); and*

11 “(II) *an additional waiver of sub-*
 12 *paragraph (A).*

13 “(ii) *APPLICATION OF PROVISIONS.*—
 14 *The provisions of clauses (ii) through (v) of*
 15 *subparagraph (C) shall apply to such re-*
 16 *quests and such general and additional*
 17 *waivers, as appropriate, except that ref-*
 18 *erences in such provisions—*

19 “(I) *to a State or tribal organiza-*
 20 *tion shall be deemed to be references to*
 21 *the entity referred to in clause (i); and*

22 “(II) *to the Assistant Secretary*
 23 *shall be deemed to be references to the*
 24 *State or tribal organization that re-*

1 *ceived the grant referred to in clause*
 2 *(i).*

3 “(E) *NON-FEDERAL SOURCES.*—*To the*
 4 *maximum extent practicable, an entity that car-*
 5 *ries out a project under this subtitle shall pro-*
 6 *vide for the payment of the costs described in*
 7 *subparagraph (B), (C), or (D) from non-Federal*
 8 *sources.*

9 “(b) *ELIGIBILITY FOR GRANTS.*—

10 “(1) *APPLICATION AND AGREEMENTS.*—*To be eli-*
 11 *gible to receive a grant under subsection (a), a State*
 12 *or tribal organization shall submit to the Assistant*
 13 *Secretary an annual application at such time, in*
 14 *such form, and containing such information as the*
 15 *Assistant Secretary may require by rule, including an*
 16 *assurance that funds made available through such*
 17 *grant—*

18 “(A) *will be used by the State or tribal or-*
 19 *ganization to carry out projects for the purpose*
 20 *specified in subsection (a)(1)—*

21 “(i) *directly (in accordance with the*
 22 *requirements of subsection (d)); or*

23 “(ii) *through agreements that satisfy*
 24 *the requirements of this subsection and sub-*
 25 *section (d); and*

1 “(B) will not be used to carry out a project
 2 involving the construction, operation, or mainte-
 3 nance of any facility used or to be used as a
 4 place for sectarian religious instruction or wor-
 5 ship.

6 “(2) *PARTICIPANTS IN AGREEMENT.*—Such
 7 agreements shall be entered into by the State or tribal
 8 organization with—

9 “(A) public or nonprofit private agencies or
 10 organizations;

11 “(B) political subdivisions of States having
 12 elected or duly appointed governing officials (or
 13 combinations of such political subdivisions);

14 “(C) tribal organizations; and

15 “(D) area agencies on aging.

16 “(3) *AGREEMENTS WITH BUSINESSES.*—At the
 17 election of a State or tribal organization that receives
 18 a grant made under subsection (a), not more than 5
 19 percent of the funds made available through the grant
 20 may be used to enter into agreements with businesses
 21 (giving special consideration to businesses in growth
 22 industries) to pay for not more than 50 percent of the
 23 cost of providing part-time employment (including
 24 arranging for the provision of part-time employment)
 25 to older individuals described in subsection (a)(1).

1 “(c) *COMPETITIVE BASIS.*—*In selecting an entity with*
 2 *whom a State or tribal organization will enter into an*
 3 *agreement under subsection (b), the State or organization—*

4 “(1) *shall make the selection on a competitive*
 5 *basis; and*

6 “(2) *shall take into consideration, where appro-*
 7 *priate, the demonstrated ability of the entity to pro-*
 8 *vide employment (including arranging for the provi-*
 9 *sion of employment) to older individuals as described*
 10 *in subsection (a)(1).*

11 “(d) *REQUIREMENTS.*—

12 “(1) *IN GENERAL.*—*Each agreement entered into*
 13 *under subsection (b) for a project shall provide that*
 14 *no payment shall be made by the State or tribal orga-*
 15 *nization toward the cost of such project unless the*
 16 *State or tribal organization determines that such*
 17 *project, or the entity that carries out such project, as*
 18 *appropriate, will satisfy each of the conditions de-*
 19 *scribed in paragraphs (2) through (13). Each State or*
 20 *tribal organization that carries out a project directly*
 21 *under subsection (b) shall ensure that such project or*
 22 *the State or organization, as appropriate, will satisfy*
 23 *each of the conditions described in paragraphs (2)*
 24 *through (13).*

25 “(2) *FEDERAL SHARE REQUIREMENT.*—

1 “(A) *IN GENERAL.*—*The entity that carries*
 2 *out the project shall use funds received for such*
 3 *project that are made available through a grant*
 4 *made under subsection (a) to pay for the Federal*
 5 *share of the cost of the project.*

6 “(B) *FEDERAL SHARE.*—*The Federal share*
 7 *of the cost of the project shall be not more than*
 8 *85 percent (or not more than 50 percent in the*
 9 *case of a project carried out under an agreement*
 10 *described in subsection (b)(3)).*

11 “(C) *NON-FEDERAL SHARE.*—*The non-Fed-*
 12 *eral share of such cost shall be contributed in*
 13 *cash or in kind. In determining the amount of*
 14 *the non-Federal share, the Assistant Secretary*
 15 *may attribute fair market value to services and*
 16 *facilities contributed from non-Federal sources.*

17 “(3) *PERSONNEL.*—*The project shall provide em-*
 18 *ployment only for older individuals described in sub-*
 19 *section (a)(1), except for necessary technical, adminis-*
 20 *trative, and supervisory personnel. Such personnel*
 21 *shall, to the fullest extent possible, be recruited from*
 22 *among older individuals described in subsection*
 23 *(a)(1).*

24 “(4) *COMMUNITIES.*—

1 “(A) *IN GENERAL.*—If such project is car-
 2 ried out by or under an agreement with a State,
 3 the project shall provide employment for such in-
 4 dividuals in the community in which such indi-
 5 viduals reside, or in nearby communities.

6 “(B) *RESERVATIONS.*—If such project is
 7 carried out by a tribal organization that receives
 8 a grant under subsection (a), or enters into an
 9 agreement under subsection (b) with a State that
 10 receives a grant under subsection (a), the project
 11 shall provide employment for such individuals
 12 who are Indians residing on an Indian reserva-
 13 tion, as the term is defined in section 2601(2) of
 14 the *Energy Policy Act of 1992* (25 U.S.C.
 15 3501(2)).

16 “(5) *SERVICES.*—The project (except a project
 17 carried out under an agreement described in sub-
 18 section (b)(3)) shall employ older individuals de-
 19 scribed in subsection (a)(1) in positions in which the
 20 individuals provide services—

21 “(A) related to publicly owned and operated
 22 facilities or public projects; or

23 “(B) related to projects sponsored by orga-
 24 nizations described in section 501(c)(3) of the *In-*

1 *ternal Revenue Code of 1986 that are exempt*
2 *from taxation under section 501(a) of such Code.*

3 “(6) *GENERAL WELFARE.*—*The project shall con-*
4 *tribute to the general welfare of the community in*
5 *which the project is carried out.*

6 “(7) *EMPLOYMENT IMPACTS.*—*The project*
7 *shall—*

8 “(A) *result in an increase in employment*
9 *opportunities over the opportunities that would*
10 *otherwise be available;*

11 “(B) *not result in the displacement (includ-*
12 *ing partial displacement, such as a reduction in*
13 *the hours of nonovertime work or wages or em-*
14 *ployment benefits) of currently employed workers*
15 *(as of the date of the beginning of the project);*
16 *and*

17 “(C) *not impair existing contracts (as of the*
18 *date of the beginning of the project) or result in*
19 *the substitution of Federal funds for other funds*
20 *in connection with work that would otherwise be*
21 *performed.*

22 “(8) *RECRUITMENT AND SELECTION.*—*In carry-*
23 *ing out the project, the entity shall utilize methods of*
24 *recruitment and selection (including listing job va-*
25 *cancies with an employment agency operated by any*

1 *State or political subdivision of a State) that will en-*
 2 *sure that the maximum number of older individuals*
 3 *described in subsection (a)(1) will have an oppor-*
 4 *tunity to participate in the project.*

5 “(9) *TRAINING.*—*The project shall include such*
 6 *training as may be necessary to make the most effec-*
 7 *tive use of the skills and talents of such individuals*
 8 *who are participating in the project and assist in*
 9 *their transition into employment for which no finan-*
 10 *cial assistance is provided under this subtitle.*

11 “(10) *ADVICE.*—*The entity shall establish or ad-*
 12 *minister the project after receiving the advice of—*

13 “(A) *individuals competent in the field of*
 14 *service in which the project will provide employ-*
 15 *ment; and*

16 “(B) *individuals who are knowledgeable*
 17 *with regard to the needs of older individuals.*

18 “(11) *ASSESSMENT.*—*The entity shall prepare*
 19 *an assessment of—*

20 “(A) *the skills and talents of each partici-*
 21 *pating older individual;*

22 “(B) *the need of the older individual for*
 23 *supportive services; and*

24 “(C) *the ability of the older individual to*
 25 *perform community service employment; except*

1 *to the extent that the project has an assessment*
 2 *of such skills and talents, such need, or such abil-*
 3 *ity, of the individual that was prepared recently*
 4 *pursuant to another Federal or State employ-*
 5 *ment or job training program.*

6 “(12) *NOTICE AND EXPLANATION.*—*The entity*
 7 *that carries out such project shall post in the project*
 8 *workplace a notice, and shall make available to each*
 9 *individual associated with such project a written ex-*
 10 *planation, clarifying the law with respect to allowable*
 11 *and unallowable political activities under chapter 15*
 12 *of title 5, United States Code, applicable to the*
 13 *project and to each category of individuals associated*
 14 *with such project.*

15 “(13) *PRIORITY IN EMPLOYMENT OPPORTUNI-*
 16 *TIES.*—*In providing employment opportunities (in-*
 17 *cluding arranging for the provision of employment*
 18 *opportunities) under the project, such entity shall give*
 19 *priority to low-income older individuals described in*
 20 *subsection (a)(1) who are 60 years of age or older.*

21 “(e) *PREREQUISITE DETERMINATIONS AND COORDINA-*
 22 *TION.*—

23 “(1) *DETERMINATIONS.*—*To effectively carry out*
 24 *subsection (b), a State or tribal organization that re-*
 25 *ceives a grant under subsection (a) for a fiscal year*

1 *shall, after consultation with the appropriate area*
2 *agencies on aging and with other organizations that*
3 *received funds under this subtitle in the preceding fis-*
4 *cal year—*

5 “(A) *make a determination identifying the*
6 *localities in the State (or on an Indian reserva-*
7 *tion if a tribal organization receives such a*
8 *grant or enters into an agreement with a State*
9 *that receives such a grant), in which projects de-*
10 *scribed in subsection (b) are most needed;*

11 “(B) *in making such determination, con-*
12 *sider the local employment situations and the*
13 *types of skills possessed by available local older*
14 *individuals described in subsection (a)(1); and*

15 “(C) *make a determination identifying po-*
16 *tential projects for, and the number and percent-*
17 *age of such individuals in the local population*
18 *of, each such locality.*

19 “(2) *COORDINATION.—To increase employment*
20 *opportunities available to older individuals, the State*
21 *or tribal organization shall coordinate the projects as-*
22 *sisted under this subtitle with—*

23 “(A) *other programs, projects, and activities*
24 *carried out under this Act; and*

1 “(B) *other Federal or State employment or*
 2 *job training programs.*

3 “(3) *PARTICIPANTS.—To the maximum extent*
 4 *practicable, the State or tribal organization shall en-*
 5 *sure that entities that carry out projects under this*
 6 *subtitle provide employment (including arranging for*
 7 *the provision of employment) under this subtitle to*
 8 *older individuals who on the day before the effective*
 9 *date of section 3 of the Older Americans Amendments*
 10 *of 1996 were participants under an agreement entered*
 11 *into under section 502(b) (as in effect on the day be-*
 12 *fore such date).*

13 “(f) *EQUITABLE USE OF FUNDS.—To the maximum*
 14 *extent practicable, the State or tribal organization shall use*
 15 *funds available for this subtitle to enter into agreements*
 16 *under subsection (b), or carry out this subtitle, in an equi-*
 17 *table manner, taking into consideration the number of eligi-*
 18 *ble older individuals in the various geographical areas*
 19 *served under the agreements or by the State or organization*
 20 *and the relative distribution of such individuals among*
 21 *urban and rural areas.*

22 “(g) *PRIOR SUBMISSION OF PROJECT DESCRIPTION.—*
 23 *If an entity carries out a project under this subtitle in a*
 24 *planning and service area, and the entity is not the area*
 25 *agency on aging for the planning and service area, the en-*

1 *tity shall carry out the project in consultation with the area*
 2 *agency on aging and shall submit to the area agency on*
 3 *aging, not less than 30 days before undertaking the project,*
 4 *a description (including the location) of such project.*

5 “(h) *ALTERNATIVE WORK MODES; TECHNICAL AS-*
 6 *SISTANCE.—To assist entities carrying out, and partici-*
 7 *pants in, projects assisted under this subtitle, the State or*
 8 *tribal organization may develop alternatives for innovative*
 9 *work modes and provide technical assistance in creating job*
 10 *opportunities through work sharing and other experimental*
 11 *methods to groups representing business and industry, and*
 12 *workers, as well as to individual employers, where appro-*
 13 *priate.*

14 “(i) *REPORT.—If a State or tribal organization elects*
 15 *under subsection (b) to enter into agreements described in*
 16 *paragraph (3) of such subsection for a fiscal year, the State*
 17 *or tribal organization shall submit to the Assistant Sec-*
 18 *retary a report describing the projects carried out under*
 19 *such agreements.*

20 “(j) *DATA COLLECTION AND ANALYSIS.—A State or*
 21 *tribal organization that receives a grant under subsection*
 22 *(a) for a project shall use a portion of the funds available*
 23 *for administrative costs, as described in subsection*
 24 *(a)(2)(B)—*

1 “(1) to collect data and carry out analyses relat-
 2 ed to the need for community service employment
 3 within the population served under the grant; and

4 “(2) to disseminate information obtained
 5 through the data collection and analyses.

6 “(k) *RULES.*—The Secretary shall issue, and amend
 7 from time to time, rules that require States and tribal orga-
 8 nizations that receive grants under subsection (a) to estab-
 9 lish, to the maximum extent practicable, for projects carried
 10 out under this subtitle the goal of annually placing not less
 11 than 20 percent of project participants in employment for
 12 which no financial assistance is provided under this sub-
 13 title.

14 **“SEC. 224. PARTICIPANTS NOT FEDERAL EMPLOYEES.**

15 “(a) *PROJECT PARTICIPANTS.*—Older individuals de-
 16 scribed in section 223(a)(1) who participate in a project
 17 assisted under this subtitle shall not be considered to be Fed-
 18 eral employees as a result of such participation and shall
 19 not be subject to the provisions of part III of title 5, United
 20 States Code.

21 “(b) *WORKMEN’S COMPENSATION.*—No State or tribal
 22 organization shall enter into an agreement under section
 23 223(b) with, or carry out such a project through, an entity
 24 who is, or whose employees are, under State law, exempted
 25 from the operation of the State workmen’s compensation

1 *law, generally applicable to employees, unless the entity un-*
 2 *dertakes to provide either through insurance by a recognized*
 3 *carrier, or by self-insurance, as authorized by State law,*
 4 *that the individuals employed under the contract shall enjoy*
 5 *workmen's compensation coverage equal to such coverage*
 6 *provided by law for covered employment.*

7 **“SEC. 225. EMPLOYMENT ASSISTANCE AND FEDERAL HOUS-**
 8 **ING AND FOOD STAMP PROGRAMS.**

9 *“Funds received by eligible individuals from projects*
 10 *carried out under this subtitle shall not be considered to*
 11 *be income of such individuals for purposes of determining*
 12 *the eligibility of such individuals, or of any other persons,*
 13 *to participate in any housing program for which Federal*
 14 *funds may be available or for any income determination*
 15 *under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.).*

16 **“Subtitle D—Disease Prevention**
 17 **and Health Promotion Program**

18 **“SEC. 231. ESTABLISHMENT OF GRANT PROGRAM.**

19 *“(a) AUTHORITY.—The Assistant Secretary shall carry*
 20 *out a program for making grants to States, to enable the*
 21 *States to assist eligible area agencies on aging to provide*
 22 *disease prevention and health promotion services and infor-*
 23 *mation at multipurpose senior centers, at congregate meal*
 24 *sites, through home-delivered meal programs, or at other ap-*
 25 *propriate sites. In carrying out such program, the Assistant*

1 *Secretary shall consult with the Director of the Centers for*
 2 *Disease Control and Prevention and the Director of the Na-*
 3 *tional Institute on Aging.*

4 “(b) *SERVICES.*—*Each State, in consultation with the*
 5 *Assistant Secretary, shall determine the services to be pro-*
 6 *vided as disease prevention and health promotion services*
 7 *in the State under this subtitle. The State may not include*
 8 *services for which payment may be made under title XVIII*
 9 *of the Social Security Act (42 U.S.C. 1395 et seq.).*

10 “(c) *USE OF SERVICES.*—*Each State, to the extent pos-*
 11 *sible, shall assure that area agencies on aging use services*
 12 *provided by other community organizations and agencies*
 13 *in carrying out the provisions of this subtitle.*

14 **“SEC. 232. DISTRIBUTION TO AREA AGENCIES ON AGING.**

15 *“The State agency shall give priority, in assisting area*
 16 *agencies on aging under this subtitle, to agencies serving*
 17 *areas of the State—*

18 *“(1) that are medically underserved; and*

19 *“(2) in which there are large numbers of older*
 20 *individuals with greatest economic need who are in*
 21 *need of services described in section 231.*

1 **“TITLE III—LOCAL PROGRAMS**
 2 **ON AGING**

3 **“Subtitle A—General Provisions**

4 **“SEC. 301. ELIGIBILITY OF LOCAL ORGANIZATIONS.**

5 “(a) *DESIGNATION OF AREA AGENCIES ON AGING.—*

6 *An area agency on aging designated under section 201(a)—*

7 “(1) *shall be—*

8 “(A) *an established office of aging;*

9 “(B) *any office or agency of a unit of gen-*
 10 *eral purpose local government, that is designated*
 11 *to function only for the purpose of serving as an*
 12 *area agency on aging by the chief elected official*
 13 *of such unit;*

14 “(C) *any office or agency designated by the*
 15 *appropriate chief elected officials of any com-*
 16 *bination of units of general purpose local govern-*
 17 *ment to act on behalf of such combination only*
 18 *for such purpose;*

19 “(D) *any public or nonprofit private agen-*
 20 *cy in a planning and service area, or any sepa-*
 21 *rate organizational unit within such agency,*
 22 *that is under the supervision or direction for*
 23 *such purpose of the designated State agency and*
 24 *that can and will engage only in the planning*
 25 *or provision of a broad range of supportive serv-*

1 ices, or of nutrition services, within the planning
2 and service area; or

3 “(E) in the case of a State designated under
4 section 201(a)(1)(E) as a single planning and
5 service area, the State agency; and

6 “(2) shall provide an assurance, determined to be
7 adequate by the State agency, that the area agency on
8 aging will have the ability to develop an area plan
9 in accordance with section 302 and to carry out, di-
10 rectly or through contractual or other arrangements,
11 a program in accordance with the plan within the
12 planning and service area.

13 “(b) *PREFERENCE*.—In designating an area agency on
14 aging within the planning and service area, including any
15 unit of general purpose local government designated as a
16 planning and service area, the State shall give preference
17 to an established office on aging, unless the State agency
18 finds that no such office within the planning and service
19 area will have the capacity to carry out the area plan.

20 **“SEC. 302. AREA PLANS.**

21 “(a) *PLAN*.—To be eligible for designation as an area
22 agency on aging in a State, an entity shall prepare, de-
23 velop, and submit to the State agency an area plan for a
24 planning and service area for a 2-, 3-, or 4-year period
25 determined by the State agency, with such annual revisions

1 *as may be necessary. Each such plan shall be based on a*
 2 *uniform format for area plans within the State. Each such*
 3 *plan shall comply with all of the following requirements:*

4 “(1) *SCOPE OF PLAN.*—*The plan shall provide,*
 5 *through a comprehensive and coordinated system,*
 6 *for—*

7 “(A) *supportive services (including, where*
 8 *appropriate, services to support the establish-*
 9 *ment or maintenance of multipurpose senior cen-*
 10 *ters), nutrition services (including home-deliv-*
 11 *ered nutrition services and congregate nutrition*
 12 *services), within the planning and service area*
 13 *covered by the plan;*

14 “(B) *determining the extent of need for sup-*
 15 *portive services (including services to support*
 16 *multipurpose senior centers), and nutrition serv-*
 17 *ices (taking into consideration the comparative*
 18 *need for home-delivered nutrition services, con-*
 19 *gregate nutrition services, and adult day care*
 20 *nutrition services), in such area (taking into*
 21 *consideration, among other things, the number of*
 22 *low-income older individuals residing in such*
 23 *area, the number of older individuals with great-*
 24 *est economic need residing in such area, the*
 25 *number of older individuals with greatest social*

1 *need residing in such area, the number of older*
 2 *individuals who are Indians residing in such*
 3 *area, and the efforts of voluntary organizations*
 4 *in such area);*

5 *“(C) evaluating the effectiveness of the use*
 6 *of resources in meeting such need; and*

7 *“(D) entering into agreements with provid-*
 8 *ers of supportive services (including services to*
 9 *support multipurpose senior centers) and nutri-*
 10 *tion services in such area, for the provision of*
 11 *such services or centers to meet such need.*

12 *“(2) PROMOTION OF INDEPENDENT LIVING.—The*
 13 *plan shall promote independent living through the use*
 14 *of home- and community-based care for older individ-*
 15 *uals, address the nutrition and health promotion*
 16 *needs of older individuals, provide advocacy for and*
 17 *protect the rights of vulnerable older individuals in*
 18 *both community-based and institutional settings,*
 19 *specify efforts to be undertaken to ensure the quality*
 20 *of supportive services and nutrition services provided*
 21 *in such settings, enhance access to services provided*
 22 *under the plan, and encourage community participa-*
 23 *tion in carrying out the plan.*

24 *“(3) INFORMATION AND ASSISTANCE SERVICES.—*
 25 *The plan shall provide for the establishment and*

1 *maintenance of information and assistance services to*
 2 *ensure that older individuals within the planning*
 3 *and service area covered by the plan will have reason-*
 4 *ably convenient access to services provided under the*
 5 *plan, with particular emphasis on linking services*
 6 *available to—*

7 *“(A) isolated older individuals; and*

8 *“(B) older individuals with Alzheimer’s dis-*
 9 *ease or related disorders and with neurological*
 10 *or organic brain dysfunction (and the caretakers*
 11 *of such individuals).*

12 *“(4) SPECIFIC OBJECTIVES; OUTREACH.—*

13 *“(A) OBJECTIVES.—The plan shall contain*
 14 *an assurance that the area agency on aging will*
 15 *set specific objectives for providing services to*
 16 *older individuals with greatest economic need,*
 17 *older individuals with greatest social need, and*
 18 *older individuals residing in rural areas.*

19 *“(B) OUTREACH.—The plan shall contain*
 20 *assurances that the area agency on aging will*
 21 *use outreach efforts that will—*

22 *“(i) identify individuals eligible for as-*
 23 *sistance under subtitle B or C, with special*
 24 *emphasis on—*

1 “(I) older individuals residing in
2 rural areas;

3 “(II) older individuals with great-
4 est economic need;

5 “(III) older individuals with
6 greatest social need, with particular
7 attention to low-income minority indi-
8 viduals;

9 “(IV) older individuals with se-
10 vere disabilities;

11 “(V) older individuals with lim-
12 ited-English speaking ability;

13 “(VI) older individuals with Alz-
14 heimer’s disease or related disorders
15 and with neurological or organic brain
16 dysfunction (and the caretakers of such
17 individuals); and

18 “(VII) low-income minority older
19 individuals; and

20 “(ii) inform the older individuals re-
21 ferred to in subclauses (I) through (VII) of
22 clause (i), and the caretakers of such indi-
23 viduals, of the availability of such assist-
24 ance.

1 “(5) *EVALUATIONS; TECHNICAL ASSISTANCE AND*
2 *INFORMATION; ADVOCACY; ADVISORY COUNCIL.—The*
3 *plan shall provide that the area agency on aging*
4 *will—*

5 “(A) *furnish appropriate technical assist-*
6 *ance, and information in a timely manner, to*
7 *providers of supportive services (including serv-*
8 *ices to support multipurpose senior centers) and*
9 *nutrition services in the planning and service*
10 *area covered by the area plan;*

11 “(B) *take into account, in connection with*
12 *matters of general policy arising in the develop-*
13 *ment and administration of the area plan, the*
14 *views of recipients of services under the plan;*

15 “(C) *serve as the advocate and focal point*
16 *for older individuals within communities in the*
17 *planning and service area by (in cooperation*
18 *with agencies, organizations, institutions, and*
19 *individuals participating in activities under the*
20 *plan) monitoring, evaluating, and commenting*
21 *on all policies, programs, hearings, levies, and*
22 *community actions within the area that will af-*
23 *fect older individuals;*

24 “(D) *establish an advisory council consist-*
25 *ing of older individuals who are participants or*

1 *who are eligible to participate in programs car-*
2 *ried out under this Act, representatives of older*
3 *individuals, local elected officials, providers of*
4 *veterans' health care (if appropriate), and the*
5 *general public, to advise continuously the area*
6 *agency on aging on all matters relating to the*
7 *development of the area plan, the administration*
8 *of the plan, and operations conducted under the*
9 *plan;*

10 *“(E) facilitate the coordination of commu-*
11 *nity-based, long-term care services for older indi-*
12 *viduals designed to—*

13 *“(i) retain individuals in their homes,*
14 *deferring unnecessary, costly institutional-*
15 *ization; and*

16 *“(ii) include the development of case*
17 *management services as a component of the*
18 *long-term care services;*

19 *“(F) facilitate the involvement of long-term*
20 *care providers in the coordination of commu-*
21 *nity-based long-term care services for older indi-*
22 *viduals and work to ensure community aware-*
23 *ness of, and involvement in, addressing the needs*
24 *of residents of long-term care facilities;*

1 “(G) coordinate services and activities car-
 2 ried out under the area plan with—

3 “(i) activities of community-based or-
 4 ganizations, established for the benefit of
 5 older individuals with Alzheimer’s disease
 6 or related disorders and with neurological
 7 or organic brain dysfunction (and the fami-
 8 lies of such individuals); and

9 “(ii) the mental health services pro-
 10 vided by community health centers and by
 11 other public and nonprofit private agencies,
 12 organizations, and institutions; and

13 “(H) establish a grievance procedure for
 14 older individuals who are dissatisfied with serv-
 15 ices provided, or who are denied services, under
 16 subtitle B or C.

17 “(6) VOLUNTEERS.—The plan shall demonstrate
 18 that the area agency on aging will encourage, and en-
 19 list the services of, local volunteer groups to provide
 20 assistance and services appropriate to the unique
 21 needs of older individuals within the planning and
 22 service area.

23 “(7) PREVENTION OF ELDER ABUSE, NEGLECT,
 24 AND EXPLOITATION.—Whenever the State desires to
 25 provide for programs for the prevention of elder

1 *abuse, neglect, and exploitation for a fiscal year, the*
2 *plan shall—*

3 “(A) contain an assurance that the area
4 agency on aging will conduct such a program in
5 a manner consistent with the provisions of this
6 Act;

7 “(B) contain an assurance that the area
8 agency on aging will provide public education
9 and outreach to identify and prevent elder abuse,
10 neglect, and exploitation;

11 “(C) contain an assurance that the area
12 agency on aging—

13 “(i) will establish procedures for re-
14 ceipt of reports of elder abuse, neglect, and
15 exploitation; and

16 “(ii) on receipt of a report of a known
17 or suspected instance of abuse, neglect, or
18 exploitation of an older individual, will
19 promptly refer the reported matter to the
20 proper authorities for investigation and ac-
21 tion consistent with State law; and

22 “(D) specify other activities that the area
23 agency—

1 “(i) determines to be beneficial in the
2 prevention of elder abuse, neglect, and ex-
3 ploitation; and

4 “(ii) intends to carry out under such
5 program.

6 “(8) *DESCRIPTION OF ACTIVITIES.*—The plan
7 shall—

8 “(A) describe all activities of the area agen-
9 cy on aging for which financial assistance is
10 provided to carry out subtitles B and C, and
11 subtitle D of title II; and

12 “(B) contain an assurance that such activi-
13 ties conform with—

14 “(i) the responsibilities of the area
15 agency on aging, as set forth in this sub-
16 section; and

17 “(ii) the laws, rules, and policies of the
18 State in which the area agency on aging is
19 carrying out an area plan.

20 “(9) *DISCLOSURE OF SOURCES AND EXPENDI-*
21 *TURES OF FUNDS.*—The plan shall contain an assur-
22 ance that the area agency on aging will, on the re-
23 quest of the State and for the purpose of monitoring
24 compliance with this Act (including conducting an
25 audit), disclose all sources and expenditures of funds

1 *such agency receives or expends to provide assistance*
 2 *to older individuals.*

3 “(10) *PROHIBITION ON MISUSE OF FUNDS.—The*
 4 *plan shall provide assurances that funds received*
 5 *from allotments made under section 121(c) and assist-*
 6 *ance made available under sections 123 and 231 will*
 7 *not be used to pay any part of a cost (including an*
 8 *administrative cost) incurred by the area agency on*
 9 *aging to carry out a contract or commercial arrange-*
 10 *ment that is not carried out to implement subtitle B*
 11 *or C, or subtitle D of title II.*

12 “(11) *CASE MANAGEMENT SERVICES.—The plan*
 13 *shall provide that case management services provided*
 14 *under this title through the area agency on aging*
 15 *will—*

16 “(A) *not duplicate case management serv-*
 17 *ices provided through other Federal and State*
 18 *programs;*

19 “(B) *be coordinated with services described*
 20 *in subparagraph (A);*

21 “(C) *include the provision, to consumers, of*
 22 *a list of available service providers for appro-*
 23 *priate care in the planning and service area*
 24 *served by the agency;*

1 “(D) be provided in a manner that gives a
2 consumer the right to choose a provider of pref-
3 erence; and

4 “(E) be provided by—

5 “(i) a public agency; or

6 “(ii) a nonprofit private agency that—

7 “(I) does not provide, and does
8 not have a direct or indirect ownership
9 or controlling interest in, or a direct or
10 indirect affiliation or relationship
11 with, an entity that provides services
12 (other than case management services,
13 outreach, and information and refer-
14 ral) under this title;

15 “(II) is located in a rural area
16 and obtains a waiver of the require-
17 ment described in subclause (I); or

18 “(III) is a community-based orga-
19 nization described in section
20 223(d)(5)(B), and is located in a plan-
21 ning and service area for which the
22 area agency on aging contracted with
23 a nonprofit private agency to provide
24 case management services in fiscal
25 year 1992.

1 “(12) *COST SHARING.*—*The plan shall contain*
 2 *an assurance that any requirements for cost sharing*
 3 *by recipients of services provided under the plan will*
 4 *be consistent with the provisions of the State plan*
 5 *that satisfy the requirement specified in section*
 6 *202(a)(16).*

7 “(b) *PRESERVATION OF ATTORNEY-CLIENT PRIVI-*
 8 *LEGE.*—*An area agency on aging may not require any pro-*
 9 *vider of legal assistance under this title to reveal any infor-*
 10 *mation that is protected by the attorney-client privilege.*

11 “(c) *STATE AUTHORITY TO WITHHOLD ASSIST-*
 12 *ANCE.*—

13 “(1) *FAILURE TO COMPLY.*—*If the head of a*
 14 *State agency finds that an area agency on aging has*
 15 *failed to comply with Federal or State laws (includ-*
 16 *ing the area plan requirements of this section), rules,*
 17 *or policies, the State may withhold from the area*
 18 *agency on aging a portion of the assistance available*
 19 *under the allotment made under section 121(c) and of*
 20 *the assistance available under sections 123 and 231.*

21 “(2) *DUE PROCESS.*—

22 “(A) *IN GENERAL.*—*The head of the State*
 23 *agency shall not withhold assistance under para-*
 24 *graph (1) without first affording the area agency*

1 *on aging due process in accordance with proce-*
 2 *dures established by the State agency.*

3 “(B) *PROCEDURES.*—*At a minimum, such*
 4 *procedures shall include procedures for—*

5 “(i) *providing notice of an action to*
 6 *withhold assistance;*

7 “(ii) *providing documentation of the*
 8 *need for such action; and*

9 “(iii) *at the request of the area agency*
 10 *on aging, conducting a public hearing con-*
 11 *cerning such action.*

12 “(3) *DIRECT ADMINISTRATION OF PROGRAMS.*—

13 “(A) *IN GENERAL.*—*If the State agency*
 14 *withholds the assistance under paragraphs (1)*
 15 *and (2), the State agency may use the assistance*
 16 *withheld to directly administer programs under*
 17 *subtitle B or C, or subtitle D of title II, in the*
 18 *planning and service area served by the area*
 19 *agency on aging for a period of not to exceed 180*
 20 *days, except as provided in subparagraph (B).*

21 “(B) *EXTENSION OF PERIOD.*—*If the State*
 22 *agency determines that the area agency on aging*
 23 *has not taken corrective action, or if the State*
 24 *agency does not approve the corrective action,*
 25 *during the 180-day period described in subpara-*

graph (A), the State agency may extend the period until the area agency on aging takes satisfactory corrective action, but not for longer than 1 year. If, at the end of the 1-year extension, the area agency on aging has not taken satisfactory corrective action, the State shall designate a new area agency on aging to serve the planning and service area.

“SEC. 303. SERVICES PROVIDED BY CHARITABLE, RELIGIOUS, OR PRIVATE ORGANIZATIONS.

“(a) IN GENERAL.—

“(1) STATE OPTIONS.—Notwithstanding any other provision of law, a State may—

“(A) administer and provide services under a program described in paragraph (2)(A) through grants or contracts with charitable, religious, or private organizations; and

“(B) provide beneficiaries of assistance under a program described in paragraph (2)(B) with certificates, vouchers, or other forms of disbursement that are redeemable with such organizations.

“(2) PROGRAM DESCRIBED.—The program described in this paragraph is a program funded under this Act that—

1 “(A) permits grants or contracts with orga-
2 nizations; or

3 “(B) permits certificates, vouchers, or other
4 forms of disbursement to be provided to bene-
5 ficiaries as a means of providing assistance.

6 “(b) *RELIGIOUS ORGANIZATIONS.*—The purpose of this
7 section is to allow religious organizations to receive a grant,
8 to contract, or to accept certificates, vouchers, or other forms
9 of disbursement under any program described in subsection
10 (a)(2), on the same basis as any other provider without im-
11 pairing the religious character of such organizations, and
12 without diminishing the religious freedom of beneficiaries
13 of assistance funded under such program.

14 “(c) *NONDISCRIMINATION AGAINST RELIGIOUS ORGA-*
15 *NIZATIONS.*—Religious organizations are eligible, on the
16 same basis as any other private organization, as grant re-
17 cipients or contractors to provide assistance, or to accept
18 certificates, vouchers, or other forms of disbursement, under
19 any program described in subsection (a)(2) so long as the
20 programs are implemented in a manner consistent with the
21 Establishment Clause of the first amendment to the Con-
22 stitution. Neither the Federal Government nor a State re-
23 ceiving funds under such programs shall discriminate
24 against an organization that is or applies to be a grant
25 recipient or contractor to provide assistance, or that accepts

1 *certificates, vouchers, or other forms of disbursement, on the*
 2 *basis that the organization has a religious character.*

3 “(d) *RELIGIOUS CHARACTER AND FREEDOM.*—

4 “(1) *RELIGIOUS ORGANIZATIONS.*—*Notwith-*
 5 *standing any other provision of law, any religious or-*
 6 *ganization with a grant or contract referred to in*
 7 *subsection (a)(1)(A), or that accepts certificates,*
 8 *vouchers, or other forms of disbursement referred to in*
 9 *subsection (a)(1)(B), shall retain its independence*
 10 *from Federal, State, and local governments, including*
 11 *such organization’s control over the definition, devel-*
 12 *opment, practice, and expression of its religious be-*
 13 *liefs.*

14 “(2) *ADDITIONAL SAFEGUARDS.*—*Neither the*
 15 *Federal Government nor a State shall require a reli-*
 16 *gious organization to—*

17 “(A) *alter its form of internal governance;*

18 *or*

19 “(B) *remove religious art, icons, scripture,*
 20 *or other symbols;*

21 *in order to be eligible to receive a grant or contract*
 22 *to provide assistance, or to accept certificates, vouch-*
 23 *ers, or other forms of disbursement, funded under a*
 24 *program described in subsection (a)(2).*

25 “(e) *RIGHTS OF BENEFICIARIES OF ASSISTANCE.*—

1 “(1) *IN GENERAL.*—If an individual described in
 2 paragraph (2) has an objection to the religious char-
 3 acter of the organization from which the individual
 4 receives, or would receive, assistance funded under
 5 any program described in subsection (a)(2), the State
 6 in which the individual resides shall provide to such
 7 individual (if otherwise eligible for such assistance)
 8 from an alternative provider assistance the value of
 9 which is not less than the value of the assistance that
 10 the individual would have received from such organi-
 11 zation.

12 “(2) *INDIVIDUAL DESCRIBED.*—An individual
 13 described in this paragraph is an individual who re-
 14 ceives, applies for, or requests to apply for, assistance
 15 under a program described in subsection (a)(2).

16 “(f) *NONDISCRIMINATION IN EMPLOYMENT.*—

17 “(1) *IN GENERAL.*—Except as provided in para-
 18 graph (2), nothing in this section shall be construed
 19 to modify or affect the provisions of any other Federal
 20 or State law or regulation that relates to discrimina-
 21 tion in employment on the basis of religion.

22 “(2) *EXCEPTION.*—A religious organization with
 23 a grant or contract referred to in subsection
 24 (a)(1)(A), or that accepts certificates, vouchers, or
 25 other forms of disbursement referred to in subsection

1 (a)(1)(B), may require that an employee rendering
 2 service pursuant to such grant or contract, or pursu-
 3 ant to the organization's acceptance of certificates,
 4 vouchers, or other forms of disbursement adhere to—

5 “(A) the religious tenets and teachings of
 6 such organization; and

7 “(B) any rules of the organization regard-
 8 ing the use of drugs or alcohol.

9 “(g) *NONDISCRIMINATION AGAINST BENEFICIARIES.*—
 10 *Except as otherwise provided in law, a religious organiza-*
 11 *tion shall not discriminate against an individual in regard*
 12 *to rendering assistance funded under any program de-*
 13 *scribed in subsection (a)(2) on the basis of religion, a reli-*
 14 *gious belief, or refusal to actively participate in a religious*
 15 *practice.*

16 “(h) *FISCAL ACCOUNTABILITY.*—

17 “(1) *IN GENERAL.*—*Except as provided in para-*
 18 *graph (2), any religious organization receiving a*
 19 *grant or contracting to provide assistance funded*
 20 *under any program described in subsection (a)(2)*
 21 *shall be subject to the same regulations as other grant*
 22 *recipients or contractors to account in accord with*
 23 *generally accepted auditing principles for the use of*
 24 *such funds provided under such programs.*

1 “(2) *LIMITED AUDIT.*—If such organization seg-
 2 *regates Federal funds provided under such programs*
 3 *into separate accounts, only the Federal funds pro-*
 4 *vided to the organization shall be subject to audit.*

5 “(i) *COMPLIANCE.*—A religious organization that has
 6 *its rights under this section violated may enforce its claim*
 7 *exclusively by asserting a civil action for such relief as may*
 8 *be appropriate, including injunctive relief or damages, in*
 9 *an appropriate State court against the entity or agency*
 10 *that allegedly commits such violation.*

11 “(j) *LIMITATIONS ON USE OF FUNDS FOR CERTAIN*
 12 *PURPOSES.*—

13 “(1) *IN GENERAL.*—No funds provided directly
 14 *to organizations (including funds provided through a*
 15 *grant or contract) to provide services and administer*
 16 *programs funded under this Act shall be expended for*
 17 *sectarian worship or instruction.*

18 “(2) *EXCEPTION.*—Paragraph (1) shall not
 19 *apply to financial assistance provided to or on behalf*
 20 *of beneficiaries of assistance in the form of certifi-*
 21 *cates, vouchers, or other forms of disbursement, if such*
 22 *beneficiary may choose where such assistance shall be*
 23 *redeemed.*

1 **“Subtitle B—Supportive Services**
 2 **and Senior Centers**

3 **“SEC. 311. PROGRAM AUTHORIZED.**

4 *“The Assistant Secretary shall carry out a program*
 5 *for making grants to States, under State plans approved*
 6 *under section 202, to enable the States to assist eligible area*
 7 *agencies on aging in carrying out through grants and con-*
 8 *tracts with eligible entities any of the following supportive*
 9 *services that are necessary for the general welfare of older*
 10 *individuals:*

11 *“(1) Health (including mental health), education*
 12 *and training, welfare, informational, recreational,*
 13 *homemaker, counseling, or referral services.*

14 *“(2) Services (including information and assist-*
 15 *ance services) designed to encourage and assist older*
 16 *individuals to use the facilities and services available*
 17 *to the individuals, including language translation*
 18 *services to assist older individuals with limited-Eng-*
 19 *lish speaking ability to obtain services under this sub-*
 20 *title.*

21 *“(3) Services designed—*

22 *“(A) to assist older individuals to obtain*
 23 *adequate housing, including residential repair*
 24 *and renovation projects designed to enable older*

1 *individuals to maintain their residences in con-*
2 *formity with minimum housing standards;*

3 *“(B) to adapt residences to meet the needs*
4 *of older individuals with disabilities;*

5 *“(C) to prevent unlawful entry into resi-*
6 *dences of older individuals, through the installa-*
7 *tion of security devices and through structural*
8 *modifications or alterations of such residences; or*

9 *“(D) to receive applications from older in-*
10 *dividuals for housing under section 202 of the*
11 *Housing Act of 1959 (12 U.S.C. 1701q).*

12 *“(4) Services designed to assist older individuals*
13 *to avoid institutionalization, and services designed to*
14 *assist individuals in long-term care institutions who*
15 *are able to return to their communities, including—*

16 *“(A) client assessment services and develop-*
17 *ment and coordination of community-based serv-*
18 *ices;*

19 *“(B) in-home services for frail older indi-*
20 *viduals, including services for older individuals*
21 *with Alzheimer’s disease and related disorders*
22 *and with neurological or organic brain dysfunc-*
23 *tion (and for families of such individuals);*

24 *“(C) supportive activities to meet the spe-*
25 *cial needs of caregivers, including caregivers who*

1 *provide in-home services to frail older individ-*
2 *uals; and*

3 *“(D) in-home and other community-based*
4 *services to assist older individuals to live inde-*
5 *pendently in a home environment, including*
6 *home health, homemaker, shopping, escort, read-*
7 *er, and letter-writing services.*

8 *“(5) Services designed to provide to older indi-*
9 *viduals legal assistance and other counseling services*
10 *and assistance, including—*

11 *“(A) tax counseling and assistance, finan-*
12 *cial counseling, and counseling regarding appro-*
13 *priate health and life insurance coverage;*

14 *“(B) representation—*

15 *“(i) of individuals who are wards (or*
16 *are allegedly incapacitated); and*

17 *“(ii) in guardianship proceedings of*
18 *older individuals who seek to become guard-*
19 *ians, if other adequate representation is un-*
20 *available in the proceedings; and*

21 *“(C) provision, to older individuals who*
22 *provide uncompensated care to their adult chil-*
23 *dren with disabilities, of counseling to assist*
24 *such older individuals with permanency plan-*
25 *ning for such children.*

1 “(6) *Services designed to enable older individuals*
2 *to attain and maintain physical and mental well-*
3 *being through programs of regular physical activity.*

4 “(7) *Activities designed to promote disease pre-*
5 *vention and health promotion.*

6 “(8) *Services designed to provide, for older indi-*
7 *viduals, preretirement counseling and assistance in*
8 *planning for and assessing future post-retirement*
9 *needs with regard to insurance benefits, public bene-*
10 *fits, lifestyle changes, relocation, legal matters, leisure*
11 *time, and other appropriate matters.*

12 “(9) *Services that are designed to meet the*
13 *unique needs of older individuals who are disabled*
14 *and of older individuals who provide uncompensated*
15 *care to their adult children with disabilities.*

16 “(10) *Services to encourage the employment of*
17 *older individuals (which shall be coordinated with the*
18 *assistance provided through the community service*
19 *employment program carried out under subtitle C of*
20 *title II), including job and second career counseling*
21 *and, in an appropriate case, job development, refer-*
22 *ral, and placement.*

23 “(11) *Services for the prevention of elder abuse,*
24 *neglect, and exploitation.*

1 “(12) *Crime prevention services, and victim as-*
2 *sistance programs, for older individuals.*

3 “(13) *Health and nutrition education services,*
4 *including information concerning prevention, diag-*
5 *nosis, treatment, and rehabilitation relating to age-re-*
6 *lated diseases and chronic disabling conditions.*

7 “(14) *Services designed to enable mentally im-*
8 *paired older individuals to attain and maintain emo-*
9 *tional well-being and independent living through a*
10 *comprehensive and coordinated system of services de-*
11 *scribed in the other paragraphs of this section.*

12 “(15) *Services designed to provide information*
13 *and training for individuals who are or may become*
14 *guardians or representative payees of older individ-*
15 *uals, including information on the powers and duties*
16 *of guardians and representative payees and on alter-*
17 *natives to guardianships.*

18 “(16) *Services to encourage and facilitate regu-*
19 *lar interaction between school-age children and older*
20 *individuals, including visits in long-term care facili-*
21 *ties, multipurpose senior centers, and other settings.*

22 “(17) *Services to support the establishment or*
23 *maintenance of multipurpose senior centers.*

1 “(18) *Services that provide reasonable opportu-*
 2 *nities for older individuals to participate on a vol-*
 3 *untary basis in multigenerational activities.*

4 “(19) *Transportation services to facilitate access*
 5 *to the services authorized to be provided under any*
 6 *other paragraph of this section.*

7 “(20) *Services provided through a State long-*
 8 *term care ombudsman program in accordance with*
 9 *subtitle B of title II.*

10 “(21) *Any other services, if provision of the serv-*
 11 *ices is consistent with the core objectives described in*
 12 *section 101(2).*

13 **“Subtitle C—Nutrition Services**

14 **“SEC. 321. PROGRAM AUTHORIZED.**

15 “(a) *NUTRITION SERVICES.—The Assistant Secretary*
 16 *shall carry out a program for making grants to States,*
 17 *under State plans approved under section 202, to enable*
 18 *the States to assist eligible area agencies on aging in estab-*
 19 *lishing and operating, through grants and contracts with*
 20 *agencies, nutrition projects that provide 5 or more days a*
 21 *week (or less frequently in a rural area where such fre-*
 22 *quency is not feasible or in a State for which a lesser fre-*
 23 *quency is approved by the State agency)—*

24 “(1) *meals to eligible individuals in congregate*
 25 *meals settings; and*

1 “(2) meals to eligible individuals in their homes.

2 “(b) *REQUIREMENTS.*—Meal providers providing
3 meals under a grant or contract made under this subtitle
4 shall provide eligible older individuals with at least 1 meal
5 per day and any additional meals per day that the agency
6 carrying out the project under the grant or contract may
7 elect to provide.

8 **“SEC. 322. ADDITIONAL REQUIREMENTS.**

9 “A State that establishes and operates a nutrition
10 project under this subtitle shall—

11 “(1) solicit the advice of a dietitian or an indi-
12 vidual with comparable expertise in the planning of
13 nutritional services; and

14 “(2) ensure that—

15 “(A) the project provides meals that—

16 “(i) comply with the Dietary Guide-
17 lines for Americans, published by the Sec-
18 retary and the Secretary of Agriculture;

19 “(ii) provide to each older individual
20 served by the project—

21 “(I) a minimum of $33\frac{1}{3}$ percent
22 of the daily recommended dietary al-
23 lowances established by the Food and
24 Nutrition Board of the Institute of
25 Medicine of the National Academy of

1 *Sciences, if the project provides 1 meal*
2 *per day;*

3 “(II) a minimum of $66\frac{2}{3}$ percent
4 *of the allowances, if the project pro-*
5 *vides 2 meals per day; and*

6 “(III) 100 percent of the allow-
7 *ances, if the project provides 3 meals*
8 *per day; and*

9 “(iii) to the maximum extent prac-
10 *ticable, are adjusted to meet any special di-*
11 *etary needs of project participants;*

12 “(B) the agency carrying out the project
13 *provides flexibility to local meal providers in de-*
14 *signing meals that are appealing to project par-*
15 *ticipants;*

16 “(C) the agency carrying out the project
17 *makes grants, or encourages meal providers to*
18 *enter into contracts, that limit the amount of*
19 *time that meals may spend in transit before the*
20 *meals are consumed;*

21 “(D) the agency carrying out the project,
22 *where feasible, encourages arrangements with*
23 *schools and other facilities serving meals to chil-*
24 *dren in order to promote intergenerational meal*
25 *programs;*

1 “(E) the agency carrying out the project
2 provides that meals, other than home-delivered
3 meals, are provided in settings in as close prox-
4 imity to the majority of the residences of older
5 individuals served by the project as is feasible;

6 “(F) the agency carrying out the project en-
7 sures that meal providers carry out such project
8 with the advice of dietitians (or individuals with
9 comparable expertise in the planning of nutri-
10 tional services), older individuals served by the
11 project, and other individuals who are knowl-
12 edgeable with regard to the needs of older indi-
13 viduals;

14 “(G) the agency carrying out the project en-
15 sures that each participating area agency on
16 aging establishes procedures that allow nutrition
17 project administrators the option to offer a meal,
18 on the same basis as meals provided to older in-
19 dividuals served by the project, to individuals
20 providing volunteer services during the meal
21 hours, and to individuals with disabilities who
22 reside at home with, and accompany to the meal,
23 older individuals served by the project;

24 “(H) the agency carrying out the project en-
25 sures that nutrition services will be available to

1 *older individuals and to their spouses, and may*
 2 *be made available to individuals with disabil-*
 3 *ities who are not older individuals but who re-*
 4 *side in housing facilities that are occupied pri-*
 5 *marily by older individuals and at which con-*
 6 *gregate nutrition services are provided;*

7 *“(I) the project, where appropriate, provides*
 8 *for nutrition education, counseling, and screen-*
 9 *ing; and*

10 *“(J) the agency carrying out the project en-*
 11 *sures that meal providers carry out such project*
 12 *in accordance with applicable State and local*
 13 *laws relating to food service.*

14 **“TITLE IV—NATIVE AMERICAN**
 15 **PROGRAMS ON AGING**

16 **“SEC. 401. GRANTS FOR SERVICES TO NATIVE AMERICANS.**

17 *“(a) AUTHORITY TO MAKE GRANTS.—The Assistant*
 18 *Secretary may make grants to organizations that meet the*
 19 *requirements of subsection (b) and section 402 (referred to*
 20 *individually in this title as an ‘eligible organization’) to*
 21 *pay for 100 percent of the costs of projects for delivery of*
 22 *supportive services, and nutrition services, for older indi-*
 23 *viduals who are Native Americans.*

1 “(b) *ELIGIBILITY OF ORGANIZATIONS.*—An organiza-
 2 tion shall be eligible to receive a grant under this title only
 3 if the organization is—

4 “(1) a tribal organization that—

5 “(A) represents at least 50 older individ-
 6 uals; and

7 “(B) demonstrates the ability to deliver sup-
 8 portive services and nutrition services;

9 “(2) an Alaska Native organization that—

10 “(A) represents at least 50 older individ-
 11 uals; and

12 “(B) demonstrates the ability to deliver sup-
 13 portive services and nutrition services; or

14 “(3) a public or nonprofit private organization
 15 that—

16 “(A) is primarily controlled by and com-
 17 prised of Native Hawaiians;

18 “(B) will serve at least 50 older individuals
 19 who are Native Hawaiians; and

20 “(C) demonstrates the ability to deliver sup-
 21 portive services and nutrition services.

22 **“SEC. 402. APPLICATIONS FOR GRANTS.**

23 “(a) *REQUIREMENT.*—To be eligible to receive a grant
 24 under this title, an organization shall submit an applica-
 25 tion to the Assistant Secretary at such time, in such form,

1 *and containing such information as the Assistant Secretary*
2 *may establish by rule. Each such application shall—*

3 “(1) *provide an assurance that such organization*
4 *will evaluate the need for supportive services and nu-*
5 *trition services among older individuals who are—*

6 “(A) *Indians represented by the organiza-*
7 *tion submitting the application if such organiza-*
8 *tion is a tribal organization described in section*
9 *401(b)(1);*

10 “(B) *Alaska Natives represented by the or-*
11 *ganization submitting the application if such or-*
12 *ganization is an Alaska Native organization de-*
13 *scribed in section 401(b)(2); or*

14 “(C) *Native Hawaiians to be served by the*
15 *organization submitting the application if such*
16 *organization is an organization described in sec-*
17 *tion 401(b)(3);*

18 “(2) *provide for the use of such methods of ad-*
19 *ministration as are necessary for the proper and effi-*
20 *cient administration of the project to be carried out*
21 *with such grant;*

22 “(3) *provide an assurance that such organization*
23 *will make such reports at such time, in such form,*
24 *and containing such information, as the Assistant*
25 *Secretary may reasonably require, and comply with*

1 *such requirements as the Assistant Secretary may im-*
2 *pose to ensure the correctness of such reports;*

3 *“(4) provide for periodic evaluation of the*
4 *project to be carried out with such grant;*

5 *“(5) contain information describing objectives to-*
6 *ward which such project will be directed, identify ob-*
7 *stacles to the attainment of such objectives, and indi-*
8 *cate the manner in which such organization proposes*
9 *to overcome such obstacles;*

10 *“(6) provide for establishing and maintaining*
11 *information and assistance services to ensure that*
12 *older individuals who are served by such project will*
13 *have reasonably convenient access to the services and*
14 *activities provided by such project;*

15 *“(7) provide an assurance that the organization*
16 *will, whenever feasible, give preference to older indi-*
17 *viduals who are Native Americans in hiring individ-*
18 *uals for full- or part-time staff positions;*

19 *“(8) provide an assurance that, either directly or*
20 *by way of grant or contract with appropriate entities,*
21 *the organization will—*

22 *“(A) ensure that nutrition services will be*
23 *delivered to older individuals as described in*
24 *paragraph (1); and*

1 “(B) substantially comply with subtitle C of
2 title III;

3 except that in any case in which the need of such in-
4 dividuals for nutrition services is already met from
5 other sources, such organization may expend for sup-
6 portive services the funds otherwise required to be ex-
7 pended under this paragraph;

8 “(9) provide an assurance that in providing any
9 legal assistance services or ombudsman services to
10 older individuals as described in paragraph (1), the
11 organization will substantially comply with the pro-
12 visions of subtitles A and B of title II, and subtitles
13 A and B of title III, relating to furnishing similar
14 services;

15 “(10) provide an assurance that the organization
16 will adopt such fiscal control and fund accounting
17 procedures as may be necessary to ensure proper dis-
18 bursement of, and accounting for, Federal funds paid
19 under this title to such organization, including any
20 funds paid by such organization to a recipient of a
21 grant or contract under this title;

22 “(11) demonstrate that such organization will
23 coordinate services provided under this title with serv-
24 ices provided under subtitles B, C, and D of title II,

1 *and subtitles B and C of title III, in the same geo-*
 2 *graphical area; and*

3 “(12) *if the organization elects to solicit vol-*
 4 *untary contributions from older individuals, provide*
 5 *an assurance that such organization will ensure*
 6 *that—*

7 “(A) *the amount of the contributions will be*
 8 *based on the ability of the older individuals to*
 9 *make such contributions; and*

10 “(B) *the contributions will be used to in-*
 11 *crease, or to expand access to, services provided*
 12 *under this title.*

13 “(b) *POPULATION STATISTICS.—For the purpose of ob-*
 14 *taining information for any application submitted under*
 15 *subsection (a) for a grant, an organization may develop*
 16 *population statistics approved by the Bureau of Indian Af-*
 17 *fairs for the population to be served under the grant, in*
 18 *order to establish eligibility to receive a grant under this*
 19 *title.*

20 “(c) *APPROVAL OF APPLICATION.—*

21 “(1) *IN GENERAL.—The Assistant Secretary*
 22 *shall approve any application that complies with sub-*
 23 *section (a).*

24 “(2) *REPORTS.—The Assistant Secretary shall*
 25 *provide waivers and exemptions of the reporting re-*

1 *quirements of subsection (a)(3) for applicants that*
2 *serve Native American populations in geographically*
3 *isolated areas, or applicants that serve small Native*
4 *American populations, where the small scale of the*
5 *project, the nature of the applicant, or other factors*
6 *make the reporting requirements unreasonable under*
7 *the circumstances. The Assistant Secretary shall con-*
8 *sult with such applicants in establishing appropriate*
9 *waivers and exemptions.*

10 “(3) *NUTRITION SERVICES.—In determining*
11 *whether an application complies with the require-*
12 *ments of subsection (a)(8)(B), the Assistant Secretary*
13 *shall provide maximum flexibility to an applicant*
14 *who seeks to take into account subsistence needs, local*
15 *customs, and other characteristics that are appro-*
16 *priate to the unique cultural, regional, and geo-*
17 *graphic needs of the Native American populations to*
18 *be served.*

19 “(4) *COORDINATION.—In determining whether*
20 *an application complies with the requirements of sub-*
21 *section (a)(11), the Assistant Secretary shall require*
22 *only that an applicant provide a narrative descrip-*
23 *tion of the geographical area to be served and an as-*
24 *urance that the applicant will adopt procedures on*

1 *receipt of the grant to ensure against duplicate serv-*
 2 *ices being provided to the same recipients.*

3 “(d) *APPLICATION NOT APPROVED.*—Whenever the As-
 4 *sistant Secretary determines that the Assistant Secretary*
 5 *will not approve an application submitted under subsection*
 6 *(a) by an organization the Assistant Secretary shall—*

7 “(1) *provide objections relating to the applica-*
 8 *tion in writing to the organization within 60 days*
 9 *after such determination;*

10 “(2) *provide, to the extent practicable, technical*
 11 *assistance to the organization to overcome such objec-*
 12 *tions; and*

13 “(3) *provide the organization with a hearing,*
 14 *under such rules as the Assistant Secretary may*
 15 *issue.*

16 “(e) *PERIOD FUNDED.*—Whenever the Assistant Sec-
 17 *retary approves an application of an organization under*
 18 *subsection (c), the Assistant Secretary shall make a grant*
 19 *to the organization under this title for a period of not less*
 20 *than 12 months.*

21 **“SEC. 403. DISTRIBUTION OF FUNDS AMONG ELIGIBLE OR-**
 22 **GANIZATIONS.**

23 “(a) *MAINTENANCE OF 1991 AMOUNTS.*—Subject to the
 24 *availability of appropriations to carry out this title, the*
 25 *amount of a grant (if any) made under this title to an*

1 *eligible organization for fiscal year 1997 or a subsequent*
 2 *fiscal year shall be not less than the amount of the grant*
 3 *made to the eligible organization for fiscal year 1991 under*
 4 *part A or B of title VI (as in effect on September 30, 1990).*

5 “(b) *USE OF ADDITIONAL AMOUNTS APPRO-*
 6 *PRIATED.—If the amount appropriated to carry out this*
 7 *title for fiscal year 1997 or a subsequent fiscal year exceeds*
 8 *the amount appropriated to carry out parts A and B of*
 9 *such title VI for fiscal year 1991, the amount of the grant*
 10 *(if any) made under this title to an eligible organization*
 11 *for such subsequent fiscal year shall be—*

12 “(1) *increased by such amount as the Assistant*
 13 *Secretary considers to be appropriate, in addition to*
 14 *any amount required by subsection (a), so that the*
 15 *grant equals or more closely approaches the amount*
 16 *of the grant made to the eligible organization—*

17 “(A) *for fiscal year 1980 under part A of*
 18 *title VI (as in effect on September 30, 1979); or*

19 “(B) *for fiscal year 1995 under part B of*
 20 *title VI (as in effect on September 30, 1994); or*

21 “(2) *an amount the Assistant Secretary consid-*
 22 *ers to be sufficient, if the eligible organization—*

23 “(A) *in the case of an organization de-*
 24 *scribed in paragraph (1) or (2) of section 401(b),*
 25 *did not receive a grant under part A of title VI*

1 *for either fiscal year 1980 or fiscal year 1991 (as*
 2 *in effect on September 30, 1979 or September 30,*
 3 *1990, as appropriate); or*

4 *“(B) in the case of an organization de-*
 5 *scribed in section 401(b)(3), did not receive a*
 6 *grant under part B of title VI for either fiscal*
 7 *year 1991 or fiscal year 1995 (as in effect on*
 8 *September 30, 1990 or September 30, 1994, as*
 9 *appropriate).*

10 **“SEC. 404. SURPLUS EDUCATIONAL FACILITIES.**

11 *“(a) REQUIREMENT.—*

12 *“(1) AVAILABILITY.—Notwithstanding any other*
 13 *provision of law, the Secretary of the Interior shall—*

14 *“(A) make a surplus Indian educational fa-*
 15 *cility or a surplus Alaska Native educational fa-*
 16 *cility available for use as a multipurpose senior*
 17 *center—*

18 *“(i) to an organization described in*
 19 *section 401(b)(1) or an organization de-*
 20 *scribed in section 401(b)(2), respectively; or*

21 *“(ii) with the approval of the Indian*
 22 *tribe or Alaska Native organization in-*
 23 *volved, to a public or nonprofit private or-*
 24 *ganization; and*

1 “(B) make any other surplus educational
 2 facility that is under the control of the Secretary
 3 of the Interior and is located in Hawaii avail-
 4 able for use as a multipurpose senior center, to
 5 an organization described in section 401(b)(3).

6 “(2) ALTERATION TO PROVIDE CERTAIN SERV-
 7 ICES.—Such centers may be altered so as to provide
 8 extended care facilities, community center facilities,
 9 nutrition services, adult day-care services, child care
 10 services, or other supportive services.

11 “(b) APPLICATION.—To be eligible to receive a surplus
 12 educational facility made available under subsection (a), an
 13 organization described in section 401(b) shall submit an ap-
 14 plication to the Secretary of the Interior at such time, in
 15 such form, and containing such information, as the Sec-
 16 retary of the Interior determines to be necessary to carry
 17 out this section.

18 **“SEC. 405. ADMINISTRATION.**

19 “For the purpose of issuing rules to carry out this title,
 20 the Secretary, acting through the Assistant Secretary, shall
 21 consult with the Secretary of the Interior.

22 **“SEC. 406. PAYMENTS.**

23 “Payments may be made under this title (after nec-
 24 essary adjustments on account of previously made overpay-
 25 ments or underpayments) in advance or by way of reim-

1 *bursement and in such installments and on such conditions*
 2 *as the Assistant Secretary may determine to be appropriate.*

3 **“SEC. 407. AUTHORIZATION OF APPROPRIATIONS.**

4 *“There are authorized to be appropriated to carry out*
 5 *this title, such sums as may be necessary for fiscal years*
 6 *1997 through 2001.”.*

7 **SEC. 5. CONFORMING AMENDMENTS.**

8 *(a) AGRICULTURE AND FOOD ACT OF 1981.—Section*
 9 *1114(a)(2) of the Agriculture and Food Act of 1981 (7*
 10 *U.S.C. 1431e(2)) is amended in subparagraphs (C) and (D)*
 11 *by striking “section 311(a)(4) of the Older Americans Act*
 12 *of 1965 (42 U.S.C. 3030a(a)(4))” each place it appears and*
 13 *inserting “section 123, and subtitle C of title III, of the*
 14 *Older Americans Act of 1965”.*

15 *(b) JOB TRAINING PARTNERSHIP ACT.—*

16 *(1) Section 204(d) of the Job Training Partner-*
 17 *ship Act (29 U.S.C. 1604(d)) is amended—*

18 *(A) in paragraph (4), by striking “title V*
 19 *of the Older Americans Act of 1965 (42 U.S.C.*
 20 *3056 et seq.)” and inserting “subtitle C of title*
 21 *II of the Older Americans Act of 1965”; and*

22 *(B) in paragraph (5)(B)(i), by striking*
 23 *“title V of the Older Americans Act of 1965 (42*
 24 *U.S.C. 3056 et seq.)” and inserting “subtitle C*
 25 *of title II of the Older Americans Act of 1965”.*

1 (2) *Section 205(a)(8) of such Act (29 U.S.C.*
 2 *1605(a)(8)) is amended to read as follows:*

3 “*(8) subtitle C of title II of the Older Americans*
 4 *Act of 1965;*”.

5 (3) *Section 455(b) of such Act (29 U.S.C.*
 6 *1735(b)) is amended by striking “title V of the Older*
 7 *Americans Act of 1965 (42 U.S.C. 3056 et seq.)” and*
 8 *inserting “subtitle C of title II of the Older Americans*
 9 *Act of 1965”.*

10 (c) *TECHNOLOGY-RELATED ASSISTANCE FOR INDIVID-*
 11 *UALS WITH DISABILITIES ACT OF 1988.—Section*
 12 *102(e)(23)(G) of the Technology-Related Assistance for In-*
 13 *dividuals With Disabilities Act of 1988 (29 U.S.C.*
 14 *2212(e)(23)(G)) is amended by striking “any council estab-*
 15 *lished under section 204, 206(g)(2)(A), or 712(a)(3)(H) of*
 16 *the Older Americans Act of 1965 (42 U.S.C. 3015,*
 17 *3017(g)(2)(A), or 3058g(a)(3)(H))” and inserting “any*
 18 *council established under section 212(c)(3)(G) or*
 19 *302(a)(5)(D) of the Older Americans Act of 1965”.*

20 (d) *TITLE 31, UNITED STATES CODE.—Section*
 21 *3803(c)(2)(C)(xi) of title 31, United States Code is amended*
 22 *by striking “benefits under section 336 of the Older Ameri-*
 23 *cans Act” and inserting “benefits under subtitle C of title*
 24 *III of the Older Americans Act of 1965”.*

1 (e) *OMNIBUS BUDGET RECONCILIATION ACT OF*
 2 1990.—Section 4360(d)(1)(C)(ii) of the Omnibus Budget
 3 Reconciliation Act of 1990 (42 U.S.C. 1395b–
 4 4(d)(1)(C)(ii)) is amended by inserting “of 1965” after
 5 “Older Americans Act”.

6 (f) *SOCIAL SECURITY ACT.*—

7 (1) Section 1819 of the Social Security Act (42
 8 U.S.C. 1395i–3) is amended—

9 (A) in subsection (b)(4)(C)(ii)(IV), by strik-
 10 ing “section 307(a)(12) of the Older Americans
 11 Act of 1965” and inserting “the Older Americans
 12 Act of 1965, in accordance with subtitle B of
 13 title II of such Act”;

14 (B) in subsection (c)(2)(B)(iii)(II), by strik-
 15 ing “title III or VII of the Older Americans Act
 16 of 1965 in accordance with section 712 of the
 17 Act” and inserting “the Older Americans Act of
 18 1965, in accordance with subtitle B of title II of
 19 such Act”; and

20 (C) in subsection (g)(5)(B), by striking
 21 “title III or VII of the Older Americans Act of
 22 1965 in accordance with section 712 of the Act”
 23 and inserting “the Older Americans Act of 1965,
 24 in accordance with subtitle B of title II of such
 25 Act”.

1 (2) *Section 1919 of such Act (42 U.S.C. 1396r)*
 2 *is amended—*

3 (A) *in subsection (b)(4)(C)(ii)(IV), by strik-*
 4 *ing “section 307(a)(12) of the Older Americans*
 5 *Act of 1965” and inserting “the Older Americans*
 6 *Act of 1965, in accordance with subtitle B of*
 7 *title II of such Act”;*

8 (B) *in subsection (c)(2)(B)(iii)(II), by strik-*
 9 *ing “title III or VII of the Older Americans Act*
 10 *of 1965” and inserting “the Older Americans Act*
 11 *of 1965, in accordance with subtitle B of title II*
 12 *of such Act”;* and

13 (C) *in subsection (g)(5)(B), by striking*
 14 *“title III or VII of the Older Americans Act of*
 15 *1965 in accordance with section 712 of the Act”*
 16 *and inserting “the Older Americans Act of 1965,*
 17 *in accordance with subtitle B of title II of such*
 18 *Act”.*

19 (g) *HOUSING AND COMMUNITY DEVELOPMENT ACT OF*
 20 *1974.—The last sentence of section 209 of the Housing and*
 21 *Community Development Act of 1974 (42 U.S.C. 1438) is*
 22 *amended by striking “title III of the Older Americans Act*
 23 *of 1965” and inserting “sections 202 and 302 of the Older*
 24 *Americans Act of 1965”.*

25 (h) *NATIONAL SCHOOL LUNCH ACT.—*

1 (1) *Section 14 of the National School Lunch Act*
 2 *(42 U.S.C. 1762a) is amended—*

3 (A) *in subsection (a)(1), by striking “title*
 4 *III of the Older Americans Act of 1965” and in-*
 5 *serting “subtitle C of title III of the Older Amer-*
 6 *icans Act of 1965”; and*

7 (B) *in subsection (c), by striking “pur-*
 8 *chased for donation under section 311(a)(4) of*
 9 *the Older Americans Act of 1965 (42 U.S.C.*
 10 *3030(a)(4)) or for cash payments in lieu of such*
 11 *donations under section 311(b)(1) of such Act*
 12 *(42 U.S.C. 3030(b)(1))” and inserting “pur-*
 13 *chased under section 123 of the Older Americans*
 14 *Act of 1965 or for allotments under such sec-*
 15 *tion”.*

16 (2) *Section 17(o)(3)(B) of such Act (42 U.S.C.*
 17 *1766(o)(3)(B)) is amended by striking “part C of title*
 18 *III of the Older Americans Act of 1965” and insert-*
 19 *ing “subtitle C of title III of the Older Americans Act*
 20 *of 1965”.*

21 (i) *ENVIRONMENTAL PROGRAMS ASSISTANCE ACT OF*
 22 *1984.—Section 2(a) of the Environmental Programs Assist-*
 23 *ance Act of 1984 (42 U.S.C. 4368a(a)) is amended by strik-*
 24 *ing “title V of the Older Americans Act of 1965” each place*

1 *it appears and inserting “subtitle C of title II of the Older*
 2 *Americans Act of 1965”.*

3 (j) *INTERGOVERNMENTAL PERSONNEL ACT OF 1970.—*
 4 *Section 208(a)(3)(B) of the Intergovernmental Personnel*
 5 *Act of 1970 (42 U.S.C. 4728(a)(3)(B)) is amended by in-*
 6 *serting before the semicolon the following “(as in effect on*
 7 *January 4, 1971)”.*

8 (k) *NOISE CONTROL ACT OF 1972.—Section 14(g) of*
 9 *the Noise Control Act of 1972 (42 U.S.C. 4913(g)) is amend-*
 10 *ed by inserting “of 1965” after “Older Americans Act”.*

11 (l) *DOMESTIC VOLUNTEER SERVICE ACT OF 1973.—*
 12 *Section 221(a)(2)(A)(ii) of the Domestic Volunteer Service*
 13 *Act of 1973 (42 U.S.C. 5021(a)(2)(A)(ii)) is amended by*
 14 *striking “title III of the Older Americans Act of 1965” and*
 15 *inserting “subtitles B and D of title II, and subtitles B and*
 16 *C of title III, of the Older Americans Act of 1965”.*

17 (m) *DEVELOPMENTAL DISABILITIES ASSISTANCE AND*
 18 *BILL OF RIGHTS ACT.—Section 124(b)(3) of the Devel-*
 19 *opmental Disabilities Assistance and Bill of Rights Act (42*
 20 *U.S.C. 6024(b)(3)) is amended by inserting “of 1965” after*
 21 *“Older Americans Act”.*

22 (n) *ENERGY CONSERVATION IN EXISTING BUILDINGS*
 23 *ACT OF 1976.—Section 412(6) of the Energy Conservation*
 24 *in Existing Buildings Act of 1976 (42 U.S.C. 6862(6)) is*
 25 *amended by striking “paragraphs (4), (5), and (6), respec-*

1 tively, of section 102 of the Older Americans Act of 1965”
 2 and inserting “paragraphs (24)(A), (25)(A), and (50)(A),
 3 respectively, of section 102 of the Older Americans Act of
 4 1965”.

5 (o) CRANSTON-GONZALEZ NATIONAL AFFORDABLE
 6 HOUSING ACT.—

7 (1) Section 802(d)(2)(B)(i) of the Cranston-Gon-
 8 zalez National Affordable Housing Act (42 U.S.C.
 9 8011(d)(2)(B)(i)) is amended by striking “title III of
 10 the Older Americans Act of 1965” and inserting “sub-
 11 title C of title III of the Older Americans Act of
 12 1965”.

13 (2) Section 803(d)(12) of such Act (42 U.S.C.
 14 8012(d)(12)) is amended by striking “under title III
 15 of the Older Americans Act of 1965” and inserting “,
 16 as defined in section 102 of the Older Americans Act
 17 of 1965”.

18 (p) ALZHEIMER’S DISEASE AND RELATED DEMENTIAS
 19 RESEARCH ACT OF 1992.—

20 (1) Section 934(b)(4) of the Alzheimer’s Disease
 21 and Related Dementias Research Act of 1992 (42
 22 U.S.C. 11261(b)(4)) is amended by striking “State
 23 and area agencies on aging designated under section
 24 305(a) (1) and (2)(A) of the Older Americans Act of
 25 1965 (42 U.S.C. 3025(a) (1) and (2)(A))” and insert-

1 *ing “State agencies, and area agencies on aging, as*
 2 *defined in section 102 of the Older Americans Act of*
 3 *1965”.*

4 (2) *Section 962(d) of such Act (42 U.S.C.*
 5 *11292(d)) is amended by striking “designated under*
 6 *section 305(a)(1) of the Older Americans Act of 1965”*
 7 *and inserting “, as defined in section 102 of the Older*
 8 *Americans Act of 1965”.*

9 **SEC. 6. REFERENCES TO PRECEDING FISCAL YEAR.**

10 *Any reference in the Older Americans Act of 1965 to*
 11 *“the preceding fiscal year” that applies with respect to*
 12 *funds received to carry out a program, project, or activity*
 13 *under such Act for a fiscal year shall be deemed to be a*
 14 *reference to funds received to carry out the corresponding*
 15 *program, project, or activity under such Act for the preced-*
 16 *ing fiscal year.*

17 **SEC. 7. ISSUANCE OF RULES.**

18 *In addition to the rules issued under section 9(f), not*
 19 *later than 180 days after the date of enactment of this Act,*
 20 *the Secretary of Health and Human Services shall issue,*
 21 *and publish in the Federal Register, proposed rules for the*
 22 *administration of the Older Americans Act of 1965 (as*
 23 *amended in section 4). After allowing a reasonable period*
 24 *for public comment on such proposed rules, and not later*

1 *than 90 days after such publication, the Secretary shall*
 2 *issue final rules for the administration of such Act.*

3 **SEC. 8. APPLICATION OF AMENDMENTS.**

4 *(a) FISCAL YEAR 1996.—*

5 *(1) COMMUNITY SERVICE EMPLOYMENT.—The*
 6 *amendment made by section 3 shall apply only with*
 7 *respect to fiscal year 1996 and to funds appropriated*
 8 *for such fiscal year to carry out title V of the Older*
 9 *Americans Act of 1965 (42 U.S.C. 3056 et seq.).*

10 *(2) ENFORCEMENT.—The authority of the Sec-*
 11 *retary of Labor to enforce compliance with the re-*
 12 *quirements applicable to such title with respect to ac-*
 13 *tions taken prior to the effective date of section 3,*
 14 *shall not be affected by the amendment made by sec-*
 15 *tion 3.*

16 *(b) FISCAL YEARS 1997–2001.—The amendment made*
 17 *by section 4 shall not apply with respect to fiscal years be-*
 18 *ginning before October 1, 1996.*

19 **SEC. 9. TRANSFER OF FUNCTIONS.**

20 *(a) DEFINITIONS.—For purposes of this section, unless*
 21 *otherwise provided or indicated by the context—*

22 *(1) the term “Federal agency” has the meaning*
 23 *given to the term “agency” by section 551(1) of title*
 24 *5, United States Code;*

1 (2) *the term “function” means any duty, obliga-*
 2 *tion, power, authority, responsibility, right, privilege,*
 3 *activity, or program; and*

4 (3) *the term “office” includes any office, admin-*
 5 *istration, agency, institute, unit, organizational en-*
 6 *tity, or component thereof.*

7 (b) *TRANSFER OF FUNCTIONS.—*

8 (1) *IN GENERAL.—There are transferred to the*
 9 *Department of Health and Human Services all func-*
 10 *tions that the Secretary of Labor exercised before the*
 11 *effective date of this section (including all related*
 12 *functions of any officer or employee of the Depart-*
 13 *ment of Labor) that—*

14 (A) *relate to title V of the Older Americans*
 15 *Act of 1965 (as in effect on the day before the ef-*
 16 *fective date of this section); and*

17 (B) *that are minimally necessary to carry*
 18 *out title V of such Act (as in effect on the day*
 19 *after the effective date of this section).*

20 (2) *TERMINATION OF AUTHORITY.—Except as*
 21 *otherwise specifically provided in this Act, the author-*
 22 *ity of a transferred employee to carry out a function*
 23 *that relates to title V of the Older Americans Act of*
 24 *1965 (as in effect on the day before the effective date*

1 of this section) and is not transferred under this Act
 2 shall terminate on the effective date of this section.

3 (c) *DETERMINATIONS OF CERTAIN FUNCTIONS BY THE*
 4 *OFFICE OF MANAGEMENT AND BUDGET.*—If necessary, the
 5 Office of Management and Budget shall make any deter-
 6 mination of the functions that are transferred under sub-
 7 section (b).

8 (d) *DELEGATION AND ASSIGNMENT.*—Except where
 9 otherwise expressly prohibited by law or otherwise provided
 10 by this section, the Secretary of Health and Human Serv-
 11 ices may delegate any of the functions transferred to the
 12 Department of Health and Human Services by this section
 13 and any function transferred or granted to the Department
 14 of Health and Human Services after the effective date of
 15 this section to such officers and employees of the Depart-
 16 ment of Health and Human Services as the Secretary of
 17 Health and Human Services may designate, and may au-
 18 thorize successive redelegations of such functions as may be
 19 necessary or appropriate. No delegation of functions by the
 20 Secretary of Health and Human Services under this sub-
 21 section or under any other provision of this section shall
 22 relieve such Secretary of Health and Human Services of
 23 responsibility for the administration of such functions.

24 (e) *REORGANIZATION.*—The Secretary of Health and
 25 Human Services may allocate or reallocate any function

1 transferred under subsection (b) among the officers of the
 2 Department of Health and Human Services, and establish,
 3 consolidate, alter, or discontinue such organizational enti-
 4 ties in the Department of Health and Human Services as
 5 may be necessary or appropriate.

6 (f) *RULES.*—Not later than 30 days after the date of
 7 enactment of this Act, the Secretary of Health and Human
 8 Services shall issue, and publish in the Federal Register,
 9 proposed rules for the administration of title V of the Older
 10 Americans Act of 1965 (as amended in section 3). After al-
 11 lowing a reasonable period for public comment on such pro-
 12 posed rules, and not later than July 1, 1996, the Secretary
 13 shall issue final rules for the administration of such title.

14 (g) *TRANSFER AND ALLOCATIONS OF APPROPRIATIONS*
 15 *AND PERSONNEL.*—

16 (1) *IN GENERAL.*—Except as otherwise provided
 17 in this section, the personnel employed in connection
 18 with, and the assets, liabilities, contracts, grants,
 19 property, records, and unexpended balances of appro-
 20 priations, authorizations, allocations, and other funds
 21 employed, used, held, arising from, available to, or to
 22 be made available in connection with the functions
 23 transferred by this section, subject to section 1531 of
 24 title 31, United States Code, shall be transferred to
 25 the Department of Health and Human Services. Un-

1 *expended funds transferred pursuant to this sub-*
2 *section shall be used only to carry out the functions*
3 *of the Department of Health and Human Services*
4 *under title V of the Older Americans Act of 1965 (as*
5 *in effect on the day after the effective date of this sec-*
6 *tion).*

7 (2) *EXISTING FACILITIES AND OTHER FEDERAL*
8 *RESOURCES.*—*Pursuant to paragraph (1), the Sec-*
9 *retary of Health and Human Services shall supply*
10 *such office facilities, office supplies, support services,*
11 *and related expenses as may be minimally necessary*
12 *to carry out such functions. None of the funds made*
13 *available under this Act, or an amendment made by*
14 *this Act, may be used for the construction of office fa-*
15 *cilities.*

16 (h) *INCIDENTAL TRANSFERS.*—*The Director of the Of-*
17 *fice of Management and Budget, at such time or times as*
18 *the Director shall provide, may make such determinations*
19 *as may be necessary with regard to the functions transferred*
20 *by this section, and make such additional incidental dis-*
21 *positions of personnel, assets, liabilities, grants, contracts,*
22 *property, records, and unexpended balances of appropria-*
23 *tions, authorizations, allocations, and other funds held,*
24 *used, arising from, available to, or to be made available*
25 *in connection with such functions, as may be necessary to*

1 *carry out this section. The Director of the Office of Manage-*
 2 *ment and Budget shall provide for the termination of the*
 3 *affairs of all entities terminated by this section and for such*
 4 *further measures and dispositions as may be necessary to*
 5 *effectuate the objectives of this section.*

6 (i) *EFFECT ON PERSONNEL.—*

7 (1) *TERMINATION OF CERTAIN POSITIONS.—Posi-*
 8 *tions whose incumbents are appointed by the Presi-*
 9 *dent, by and with the advice and consent of the Sen-*
 10 *ate, the functions of which are transferred by this sec-*
 11 *tion, shall terminate on the effective date of this sec-*
 12 *tion.*

13 (2) *ACTIONS.—The Secretary of Health and*
 14 *Human Services shall take such actions as may be*
 15 *necessary, including reduction in force actions, con-*
 16 *sistent with sections 3502 and 3595 of title 5, United*
 17 *States Code, to ensure that the personnel whose posi-*
 18 *tions relate to a function described in subsection*
 19 *(b)(1)(A) and are not transferred under subsection (b)*
 20 *are separated from service.*

21 (j) *SAVINGS PROVISIONS.—*

22 (1) *CONTINUING EFFECT OF LEGAL DOCU-*
 23 *MENTS.—All orders, determinations, rules, regula-*
 24 *tions, permits, agreements, grants, contracts, certifi-*

1 *cates, licenses, registrations, privileges, and other ad-*
2 *ministrative actions—*

3 *(A) that have been issued, made, granted, or*
4 *allowed to become effective by the President, any*
5 *Federal agency or official of a Federal agency, or*
6 *by a court of competent jurisdiction, in the per-*
7 *formance of functions that are transferred under*
8 *this section; and*

9 *(B) that were in effect before the effective*
10 *date of this section, or were final before the effec-*
11 *tive date of this section and are to become effec-*
12 *tive on or after the effective date of this section;*
13 *shall continue in effect according to their terms until*
14 *modified, terminated, superseded, set aside, or revoked*
15 *in accordance with law by the President, the Sec-*
16 *retary of Health and Human Services or other au-*
17 *thorized official, a court of competent jurisdiction, or*
18 *by operation of law.*

19 *(2) PROCEEDINGS NOT AFFECTED.—*

20 *(A) IN GENERAL.—This section shall not af-*
21 *fect any proceedings, including notices of pro-*
22 *posed rulemaking, or any application for any li-*
23 *cense, permit, certificate, or financial assistance*
24 *pending before the Department of Labor on the*

1 *effective date of this section, with respect to func-*
2 *tions transferred by this section.*

3 *(B) CONTINUATION.—Such proceedings and*
4 *applications shall be continued. Orders shall be*
5 *issued in such proceedings, appeals shall be*
6 *taken from the orders, and payments shall be*
7 *made pursuant to the orders, as if this section*
8 *had not been enacted, and orders issued in any*
9 *such proceedings shall continue in effect until*
10 *modified, terminated, superseded, or revoked by a*
11 *duly authorized official, by a court of competent*
12 *jurisdiction, or by operation of law.*

13 *(C) CONSTRUCTION.—Nothing in this para-*
14 *graph shall be construed to prohibit the dis-*
15 *continuance or modification of any such proceed-*
16 *ing under the same terms and conditions and to*
17 *the same extent that such proceeding could have*
18 *been discontinued or modified if this section had*
19 *not been enacted.*

20 *(3) SUITS NOT AFFECTED.—This section shall*
21 *not affect suits commenced before the effective date of*
22 *this section, and in all such suits, proceedings shall*
23 *be had, appeals taken, and judgments rendered in the*
24 *same manner and with the same effect as if this sec-*
25 *tion had not been enacted.*

1 (4) *NONABATEMENT OF ACTIONS.*—*No suit, ac-*
2 *tion, or other proceeding commenced by or against the*
3 *Department of Labor, or by or against any individ-*
4 *ual in the official capacity of such individual as an*
5 *officer of the Department of Labor, shall abate by rea-*
6 *son of the enactment of this section.*

7 (5) *ADMINISTRATIVE ACTIONS RELATING TO PRO-*
8 *MULGATION OF REGULATIONS.*—*Any administrative*
9 *action relating to the preparation or promulgation of*
10 *a regulation by the Department of Labor relating to*
11 *a function transferred under this section may be con-*
12 *tinued by the Department of Health and Human*
13 *Services with the same effect as if this section had not*
14 *been enacted.*

15 (k) *TRANSITION.*—*The Secretary of Health and*
16 *Human Services may utilize—*

17 (1) *the services of officers, employees, and other*
18 *personnel of the Department of Labor with respect to*
19 *functions transferred to the Department of Health*
20 *and Human Services by this section; and*

21 (2) *funds appropriated to such functions;*
22 *for such period of time as may reasonably be needed to fa-*
23 *cilitate the orderly implementation of this section.*

1 *(l) REFERENCES.—A reference in any other Federal*
 2 *law, Executive order, rule, regulation, or delegation of au-*
 3 *thority, or any document of or relating to—*

4 *(1) the Secretary of Labor with regard to func-*
 5 *tions transferred under subsection (b), shall be deemed*
 6 *to refer to the Secretary of Health and Human Serv-*
 7 *ices; and*

8 *(2) the Department of Labor with regard to*
 9 *functions transferred under subsection (b), shall be*
 10 *deemed to refer to the Department of Health and*
 11 *Human Services.*

12 *(m) ADDITIONAL CONFORMING AMENDMENTS.—*

13 *(1) RECOMMENDED LEGISLATION.—After con-*
 14 *sultation with the appropriate committees of Congress*
 15 *and the Director of the Office of Management and*
 16 *Budget, the Secretary of Health and Human Services*
 17 *shall prepare and submit to Congress recommended*
 18 *legislation containing technical and conforming*
 19 *amendments to reflect the changes made by this sec-*
 20 *tion.*

21 *(2) SUBMISSION TO CONGRESS.—Not later than*
 22 *90 days after the date of enactment of this Act, the*
 23 *Secretary of Health and Human Services shall sub-*
 24 *mit the recommended legislation referred to in para-*
 25 *graph (1).*

1 **SEC. 10. EFFECTIVE DATES.**

2 (a) *GENERAL EFFECTIVE DATE.*—*Except as provided*
3 *in subsection (b), this Act and the amendments made by*
4 *this Act shall take effect on the date of enactment of this*
5 *Act.*

6 (b) *SPECIAL EFFECTIVE DATES.*—

7 (1) *COMMUNITY SERVICE EMPLOYMENT.*—*Section*
8 *9 (other than subsections (f) and (m) of such section),*
9 *and the amendment made by section 3, shall take ef-*
10 *fect on July 1, 1996.*

11 (2) *OTHER PROGRAMS.*—*The amendments made*
12 *by sections 4 and 5 shall take effect on October 1,*
13 *1996.*